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THE

PUBLIC GENERAL ACTS

PASSED IN THE EIGHTH YEAR

OF THE REIGN OF HIS MAJESTY

KING EDWARD THE SEVENTH;

BEING THE

THIRD SESSION OF THE TWENTY-EIGHTH PARLIAMENT

OF THE

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UNITED KINGDOM OF GREAT BRITAIN AND IRELAND:

WITH AN INDEX, AND TABLES SHOWING THE EFFECT OF THE YEAR'S LEGISLATION ON THE PUBLIC GENERAL ACTS; ALSO THE TITLES OF THE LOCAL AND PRIVATE ACTS ARRANGED CONSECUTIVELY AND IN CLASSES.

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2. An Act to provide, during Twelve Months, for the Discipline and Regulation of the Army. (*Army* (*Annual*).)

3. An Act to amend the Prosecution of Offences Acts, 1879 and 1884. (*Prosecution of Offences.*)

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6. An Act to make the provisions of the Public Health Act, 1875, with respect to the provision and regulation of Markets applicable in rural districts. (*Public Health.*)

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64. An Act to consolidate the Enactments relating to Agricultural Holdings in Scotland. (*Agricultural Holdings (Scotland).*)

65. An Act to regulate and amend the Law relating to Summary Jurisdiction and Criminal Procedure in Scotland. (*Summary Jurisdiction (Scotland).*)

66. An Act to prevent disturbance of Public Meetings. (*Public Meeting.*)

67. An Act to consolidate and amend the Law relating to the Protection of Children and Young Persons, Reformatory and Industrial Schools, and Juvenile Offenders, and otherwise to amend the Law with respect to Children and Young Persons. (*Children.*)

68. An Act to provide for the improvement and better administration of the Port of London, and for purposes incidental thereto. (*Port of London.*)

69. An Act to consolidate the Companies Act, 1862, and the Acts amending it. (*Companies (Consolidation).*)

THE

PUBLIC GENERAL STATUTES.

8 EDWARD 7.

CHAPTER 1.

An Act to apply certain sums out of the Consolidated Fund to the service of the years ending on the thirty-first day of March one thousand nine hundred and eight and one thousand nine hundred and nine.

[27th March 1908.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, towards making good the supply which we have cheerfully granted to Your Majesty in this session of Parliament, have resolved to grant unto Your Majesty the sums herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Issue of 375,817*l.* out of the Consolidated Fund for the service of the year ending 31st March 1908.

1. The Treasury may issue out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, and apply towards making good the supply granted to His Majesty for the service of the year ending on the thirty-first day of March one thousand nine hundred and eight the sum of three hundred and seventy-five thousand eight hundred and seventeen pounds.

Issue of 44,355,400*l.* out of the Consolidated Fund for the service of the year ending 31st March 1909.

2. The Treasury may issue out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, and apply towards making good the supply granted to His Majesty for the service of the year ending on the thirty-first day of March one thousand nine hundred and nine the sum of forty-four million three hundred and fifty-five thousand four hundred pounds.

Power for the Treasury to borrow.

3.—(1) The Treasury may borrow from any person, by the issue of Treasury Bills or otherwise, and the Bank of England and the Bank of Ireland may advance to the Treasury on the credit of the said sums, any sum or sums not exceeding in the whole forty-four million seven hundred and thirty-one thousand two hundred and seventeen pounds.

(2) The date of payment of any Treasury Bills issued under this section shall be a date not later than the thirty-first day

of March nineteen hundred and nine, and section six of the Treasury Bills Act, 1877 (which relates to the renewal of bills), shall not apply with respect to those bills.

40 & 41 Vict. c. 2.

(3) Any money borrowed otherwise than on Treasury Bills shall be repaid, with interest not exceeding five pounds per cent. per annum, out of the growing produce of the Consolidated Fund, at any period not later than the next succeeding quarter to that in which the money was borrowed.

(4) Any money borrowed under this section shall be placed to the credit of the account of the Exchequer, and shall form part of the said Consolidated Fund, and be available in any manner in which such Fund is available.

Short title.

4. This Act may be cited as the Consolidated Fund (No. 1) Act, 1908.

CHAPTER 2.

An Act to provide, during Twelve Months, for the Discipline and Regulation of the Army.

[14th April 1908.]

WHEREAS the raising or keeping of a standing army within the United Kingdom of Great Britain and Ireland in time of peace, unless it be with the consent of Parliament, is against law:

And whereas it is adjudged necessary by His Majesty and this present Parliament that a body of forces should be continued for the safety of the United Kingdom and the defence of the possessions of His Majesty's Crown, and that the whole number of such forces should consist of one hundred and eighty-five thousand including those to be employed at the depôts in the United Kingdom of Great Britain and Ireland for the training of recruits for service at home and abroad, but exclusive of the numbers actually serving within His Majesty's Indian possessions:

And whereas it is also judged necessary for the safety of the United Kingdom, and the defence of the possessions of this realm, that a body of Royal Marine forces should be employed in His Majesty's fleet and naval service, under the direction of the Lord High Admiral of the United Kingdom, or the Commissioners for executing the office of Lord High Admiral aforesaid:

And whereas the said marine forces may frequently be quartered or be on shore, or sent to do duty or be on board transport ships or vessels, merchant ships or vessels, or other ships or vessels, or they may be under other circumstances in which they will not be subject to the laws relating to the government of His Majesty's forces by sea:

And whereas no man can be forejudged of life or limb, or subjected in time of peace to any kind of punishment within this realm, by martial law, or in any other manner than by the judgment of his peers and according to the known and established laws of this realm; yet nevertheless, it being requisite, for the retaining all the before-mentioned forces, and other persons subject to military law, in their duty, that an exact discipline be observed, and that persons belonging to the said forces who mutiny or stir up sedition, or desert His Majesty's service, or are guilty of crimes and offences to the prejudice of good order and military discipline, be brought to a more exemplary and speedy punishment than the usual forms of the law will allow:

And whereas the Army Act will expire in the year one thousand nine hundred and eight on the following days:— 44 & 45 Vict. c. 58.

(*a*) In the United Kingdom, the Channel Islands, and the Isle of Man, on the thirtieth day of April; and

(*b*) Elsewhere, whether within or without His Majesty's dominions, on the thirty-first day of July:

Be it therefore enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Army (Annual) Act, 1908. Short title.

2.—(1) The Army Act shall be and remain in force during the periods herein-after mentioned, and no longer, unless otherwise provided by Parliament (that is to say):— Army Act to be in force for specified times.

(*a*) Within the United Kingdom, the Channel Islands, and the Isle of Man, from the thirtieth day of April one thousand nine hundred and eight to the thirtieth day of April one thousand nine hundred and nine, both inclusive; and

(*b*) Elsewhere, whether within or without His Majesty's dominions, from the thirty-first day of July one thousand nine hundred and eight to the thirty-first day of July one thousand nine hundred and nine, both inclusive.

(2) The Army Act, while in force, shall apply to persons subject to military law, whether within or without His Majesty's dominions.

(3) A person subject to military law shall not be exempted from the provisions of the Army Act by reason only that the number of the forces for the time being in the service of His Majesty, exclusive of the marine forces, is either greater or less than the number herein-before mentioned.

3. There shall be paid to the keeper of a victualling house for the accommodation provided by him in pursuance of the Army Act the prices specified in the Schedule to this Act. Prices in respect of billeting.

AMENDMENTS OF ARMY ACT.

Amendment of 44 & 45 Vict. c. 58. s. 92 as to discharged soldiers.

4. At the end of section ninety-two of the Army Act (which relates to the discharge of soldiers) the following subsection shall be added:—

"(3) Notwithstanding anything in Part III. of the Territorial and Reserve Forces Act, 1907, a man who has been discharged from the regular forces may, if it is so prescribed by regulations under the Reserve Forces Act, 1882, and subject to the conditions (if any) so prescribed, enlist into the Army Reserve as a special reservist."

Amendment of 44 & 45 Vict. c. 58. s. 175 as to persons subject to military law.

5. In paragraph (10) of section one hundred and seventy-five of the Army Act, which relates to persons subject to military law as officers, after the words "reserve of officers" there shall be inserted the words "if an officer holding a commission as officer in the special reserve at all times, and if not holding such a commission."

SCHEDULE.

Accommodation to be provided.	Maximum Price.
Lodging and attendance for soldier where meals furnished.	Sixpence per night.
Breakfast as specified in Part I. of the Second Schedule to the Army Act.	Fourpence each.
Dinner as so specified - - - -	Elevenpence halfpenny each.
Supper as so specified - - - - - -	Twopence halfpenny each.
Where no meals furnished, lodging and attendance, and candles, vinegar, salt, and the use of fire, and the necessary utensils for dressing and eating his meat.	Sixpence per day.
Stable room and ten pounds of oats, twelve pounds of hay, and eight pounds of straw per day for each horse.	One shilling and ninepence per day.
Lodging and attendance for officer - - -	Two shillings per night.

Note.—An officer shall pay for his food.

CHAPTER 3.

An Act to amend the Prosecution of Offences Acts, 1879 and 1884. [18th June 1908.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Offices of Director of Public Prosecutions and Treasury Solicitor to be separate. 47 & 48 Vict. c. 58.

1.—(1) The provisions of section two of the Prosecution of Offences Act, 1884, which unite the office of Director of Public Prosecutions with that of the Treasury Solicitor, shall cease to have effect as from a date to be fixed by the Treasury, not being more than one month after the passing of this Act, and the Secretary of State may appoint the Director of Public Prosecutions, and may also appoint such number of assistant directors as the Treasury sanction.

(2) There shall be paid to the Director of Public Prosecutions, and to any assistants so appointed, such salaries or remuneration as the Treasury may determine.

(3) All such salaries and remuneration, and any expenses incurred in the execution of the duties of Director of Public Prosecutions which are not otherwise provided for, shall be paid out of moneys provided by Parliament.

(4) A person shall not be appointed to be Director of Public Prosecutions unless he is a barrister or solicitor of not less than ten years standing, and a person shall not be appointed to be an Assistant Director of Public Prosecutions unless he is a barrister or solicitor of not less than seven years standing.

(5) An Assistant Director of Public Prosecutions may do any act or thing which the Director of Public Prosecutions is required or authorised to do by or in pursuance of any Act of Parliament or otherwise.

Miscellaneous amendments. 42 & 43 Vict. c. 22.

2.—(1) The regulations under the Prosecution of Offences Act, 1879, shall provide for the Director of Public Prosecutions taking action in cases which appear to him to be of importance or difficulty, or which from any other reason require his intervention.

(2) Section six of the Prosecution of Offences Act, 1879, which relates to the proceedings on prosecutions which the Director of Public Prosecutions has abandoned, shall cease to have effect.

(3) Nothing in the Prosecution of Offences Acts, 1879 and 1884, or in this Act, shall preclude any person from instituting or carrying on any criminal proceedings, but the Director of Public Prosecutions may undertake at any stage the conduct of those proceedings if he thinks fit.

(4) It is hereby declared that the provisions of any Act requiring or authorising any court to make an order for the payment to the prosecutor of any expenses of or incidental to

the prosecution of any offence apply with respect to the payment of those costs to the Director of Public Prosecutions as they apply with respect to the payment of those costs to a private prosecutor.

(5) The Director of Public Prosecutions shall be substituted for the solicitors of Her Majesty's Treasury in section forty-two of the Coinage (Offences) Act, 1861 (which relates to costs of prosecutions).

24 & 25 Vict. c. 99.

Repeal and short title.

3.—(1) The enactments mentioned in the schedule to this Act are hereby repealed to the extent specified in the third column of that schedule.

(2) This Act may be cited as the Prosecution of Offences Act, 1908, and the Prosecution of Offences Acts, 1879 and 1884, and this Act may be cited together as the Prosecution of Offences Acts, 1879 to 1908.

Section 3.

SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
42 & 43 Vict. c. 22.	The Prosecution of Offences Act, 1879.	The third paragraph of section two, beginning with the words "The "regulations" and ending at the end of the section. Section six. In section seven, the following words at the commencement of the section, "Nothing in this Act "shall interfere with the right of "any person to institute, under-"take, or carry on any criminal "proceeding."
47 & 48 Vict. c. 58.	The Prosecution of Offences Act, 1884.	Section two, as from the date fixed by the Treasury for the purpose.

CHAPTER 4.

An Act to explain section ninety-two of the Patents and Designs Act, 1907. [1st August 1908.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. It is hereby declared that so much of subsection (2) of section ninety-two of the Patents and Designs Act, 1907, as provides that the decision of a judge of the High Court to whom a petition is presented by virtue of that Act is to be final does not apply in the case of a petition for the revocation of a patent under section twenty-five of that Act. Explanation of 7 Edw. 7. c. 29. s. 92.

2. This Act may be cited as the Patents and Designs Act, 1908. Short title.

CHAPTER 5.

An Act to amend the Law relating to the Superannuation of the Police. [1st August 1908.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. In reckoning the approved service of a constable who after the passing of this Act joins a police force to which the Police Act 1890 applies, subsection (4) of section four of the Police Act, 1890, shall be read as if the word "two" was substituted for the word "three." Reckoning of service of constable joining after Act. 53 & 54 Vict. c. 45

2. In reckoning the approved service of a constable who, before the passing of this Act, has joined a police force to which the Police Act 1890 applies, subsection (4) of section four of the Police Act, 1890, shall be read as if the word "two" was substituted for the word "three" if but not unless such constable pays to any other police authority, in whose force he may have served and completed not less than two years' approved service, the amount of any rateable deduction from his pay which may have been paid to him in respect of his service in the force of such other police authority. Reckoning of approved service of constable joining before Act.

3. In reckoning the approved service of a constable who has joined a police force to which the Police Act 1890 applies, before the passing of this Act, or who joins such a force after the passing of this Act, subsection (1) of section three of the Police (Superannuation) Act, 1906, shall be read as if the word "two" was substituted for the word "three." Reckoning of approved service in different forces. 6 Edw. 7. c. 7.

4. This Act may be cited as the Police (Superannuation) Act, 1908, and shall be construed as one with the Police Acts, 1839 to 1906, and may be cited with those Acts as the Police Acts, 1839 to 1908. Short title.

CHAPTER 6.

An Act to make the provisions of the Public Health Act, 1875, with respect to the provision and regulation of Markets applicable in rural districts.

[1st August 1908.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Provision, &c. of markets by rural authorities.

38 & 39 Vict. c. 55.

1. A rural district council may, with the consent of the Local Government Board, exercise with respect to the provision or regulation of markets any powers which an urban district council may exercise with the consent of owners and ratepayers under section one hundred and sixty-six of the Public Health Act, 1875, and sections one hundred and sixty-seven and one hundred and sixty-eight of that Act shall apply with respect to the exercise of those powers by a rural district council as they apply with respect to the exercise of those powers by an urban district council.

Construction and short title.

2.—(1) This Act shall be construed as one with the Public Health Act, 1875.

(2) This Act may be cited as the Public Health Act, 1908, and this Act and the Public Health Acts may together be cited as the Public Health Acts.

CHAPTER 7.

An Act to amend the Law with respect to the Assessment of Damages under the Fatal Accidents Acts.

[1st August 1908.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Exclusion of payments by insurers in assessment of damages.

9 & 10 Vict. c. 93.

1. In assessing damages in any action, whether commenced before or after the passing of this Act, under the Fatal Accidents Act, 1846, as amended by any subsequent enactment, there shall not be taken into account any sum paid or payable on the death of the deceased under any contract of assurance or insurance, whether made before or after the passing of this Act.

Short title.

27 & 28 Vict. c. 95.

2. This Act may be cited as the Fatal Accidents (Damages) Act, 1908; and the Fatal Accidents Act, 1846, the Fatal Accidents Act, 1864, and this Act may be cited together as the Fatal Accidents Acts, 1846 to 1908.

CHAPTER 8.

An Act to amend section eleven of the Savings Banks Act, 1904. [1st August 1908.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Acknowledgments of deposits.

1.—(1) In the case of deposits not exceeding one pound, or such higher maximum amount as may from time to time be fixed by regulations made by the Postmaster General with the consent of the Treasury under the Post Office Savings Bank Acts, 1861 to 1904, the entry in the depositor's book shall be conclusive evidence of the depositor's claim to the repayment of the deposit, with the interest thereon, upon demand made by him on the Postmaster General, and it shall not be necessary in such case to transmit any acknowledgment of the deposit by the Postmaster General.

(2) Section eleven of the Savings Banks Act, 1904, shall be and is hereby repealed.

Short title and extent.

2.—(1) This Act may be cited as the Post Office Savings Bank Act, 1908, and may be cited with the Post Office Savings Bank Acts, 1861 to 1904, as the Post Office Savings Bank Acts, 1861 to 1908.

(2) This Act shall extend to the Channel Islands and the Isle of Man, and the Royal Courts of the Channel Islands shall register the same.

CHAPTER 9.

An Act to amend the Law with respect to Customs Duties in the Isle of Man. [1st August 1908.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Continuance of additional duties on tea, tobacco, spirits, ale, and beer. 6 Edw. 7. c. 18. 63 & 64 Vict. c. 31.

1. The additional duty of Customs on tea removed or imported into the Isle of Man imposed by section one of the Isle of Man (Customs) Act, 1906, and the additional duties of Customs on tobacco and spirits removed or imported into the Isle of Man imposed by section one of the Isle of Man (Customs) Act, 1900, and the additional duty on ale and beer removed or imported into the Isle of Man imposed by the second paragraph of section two of that Act, shall continue to be charged, levied, and paid as from the first day of August nineteen hundred and eight until the first day of August nineteen hundred and nine.

Reduction of sugar duty.

2. The duties, drawbacks, and allowance in respect of sugar, molasses, glucose, and saccharin set out in the Schedule to this Act shall, as from the eighteenth day of May nineteen hundred and eight, be at the reduced rates set out in the second column of that Schedule, instead of at the rates set out in the third column of that Schedule (being the rates previously in force):

Provided that the reduction shall be deemed not to have taken effect until the first day of July nineteen hundred and eight as respects any such duty charged on manufactured or prepared goods under section seven of the Finance Act, 1901, as applied to the Isle of Man by subsection (2) of section one of the Isle of Man (Customs) Act, 1903, and as respects the drawback allowed on any such goods in respect of which it is shown to the satisfaction of the Commissioners of Customs that the duty was paid on the sugar, molasses, glucose, or saccharin used in the manufacture or preparation at the rates charged before the eighteenth day of May nineteen hundred and eight.

1 Edw. 7. c. 7.

3 Edw. 7. c. 35.

Short title.

3. This Act may be cited as the Isle of Man (Customs) Act, 1908.

Section 2.

SCHEDULE.

1. CUSTOMS DUTIES UNDER SECTION 1 OF THE ISLE OF MAN (CUSTOMS) ACT, 1903.

Article.	Reduced Rate.	Present Rate.
	£ s. d.	£ s. d.
Sugar which, when tested by the polariscope, indicates a polarisation exceeding ninety-eight degrees - - - - the cwt.	0 1 10	0 4 2
Sugar of a polarisation not exceeding seventy-six degrees - - - - the cwt.	0 0 10	0 2 0
Sugar of a polarisation—		
Exceeding 76 and not exceeding 77 - the cwt.	0 0 10·9	0 2 0·8
" 77 " 78 - "	0 0 11·2	0 2 1·6
" 78 " 79 - "	0 0 11·6	0 2 2·4
" 79 " 80 - "	0 0 11·9	0 2 3·2
" 80 " 81 - "	0 1 0·3	0 2 4
" 81 " 82 - "	0 1 0·6	0 2 4·8
" 82 " 83 - "	0 1 1	0 2 5·6
" 83 " 84 - "	0 1 1·4	0 2 6·5
" 84 " 85 - "	0 1 1·8	0 2 7·4
" 85 " 86 - "	0 1 2·2	0 2 8·3
" 86 " 87 - "	0 1 2·6	0 2 9·2
" 87 " 88 - "	0 1 3	0 2 10·2
" 88 " 89 - "	0 1 3·4	0 2 11·2
" 89 " 90 - "	0 1 4	0 3 0·4
" 90 " 91 - "	0 1 4·5	0 3 1·6
" 91 " 92 - "	0 1 5	0 3 2·8
" 92 " 93 - "	0 1 5·6	0 3 4
" 93 " 94 - "	0 1 6·1	0 3 5·2
" 94 " 95 - "	0 1 6·6	0 3 6·4
" 95 " 96 - "	0 1 7·1	0 3 7·6
" 96 " 97 - "	0 1 7·7	0 3 8·8
" 97 " 98 - "	0 1 8·2	0 3 10

Article.	Reduced Rate.	Present Rate.
	£ s. d.	£ s. d.
Molasses (except when cleared for use by a licensed distiller in the manufacture of spirits), and invert sugar and all other sugar and extracts from sugar which cannot be completely tested by the polariscope and on which duty is not specially charged by this section—		
If containing 70 per cent. or more of sweetening matter - - - the cwt.	0 1 2	0 2 9
If containing less than 70 per cent. and more than 50 per cent. of sweetening matter - - - - the cwt.	0 0 10	0 2 0
If containing not more than 50 per cent. of sweetening matter - - the cwt.	0 0 5	0 1 0
The amount of sweetening matter to be taken to be the total amount of cane, invert, and other sugar contained in the article as determined by analysis in manner directed by the Commissioners of Customs.		
Glucose :		
Solid - - - - the cwt.	0 1 2	0 2 9
Liquid - - - - - „	0 0 10	0 2 0
Saccharin (including substances of a like nature or use) - - - - - the oz.	0 0 7	0 1 3

2. DRAWBACKS UNDER SECOND SCHEDULE OF THE ISLE OF MAN (CUSTOMS) ACT, 1903.

	£ s. d.	£ s. d.
Drawback to be allowed to a refiner on molasses produced in the Isle of Man, and delivered by him to a licensed distiller for use in the manufacture of spirits - - - the cwt.	0 0 5	0 1 0
Other drawbacks - - - -	According to the amount of duty paid at the reduced rate.	According to the amount of duty paid at the present rate.

3. ALLOWANCE UNDER SECTION 2 (2) OF THE ISLE OF MAN (CUSTOMS) ACT, 1903.

	£ s. d.	£ s. d.
Allowance to a refiner on molasses produced in the Isle of Man to be used as food for stock - - - - - the cwt.	0 0 5	0 1 0

CHAPTER 10.

An Act to repeal the Law which prohibits the Growing of Tobacco in Scotland. [1st August 1908.]

WHEREAS it is of the greatest importance that every attention and encouragement should be given to the produce and manufactures of Scotland:

22 Geo. 3. c. 73.

And whereas by virtue of the Tobacco Act, 1782, the cultivation of tobacco within the kingdom of Scotland, and the exportation of the same from thence, is prohibited:

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Acts prohibiting growth of tobacco in Scotland to be repealed when an excise duty is imposed.

1.—(1) As from a date to be fixed by His Majesty by Order in Council as soon as Parliament has made provision for an excise duty on tobacco produced in Scotland, the Tobacco Act, 1782, and any other Act, so far as it prohibits or restrains the setting, planting, or improving to grow, making, or curing tobacco, either in seed, plant, or otherwise, in the kingdom of Scotland, shall be, and the same is, hereby repealed and made void.

(2) The Commissioners of Inland Revenue may make regulations prohibiting the growth or cultivation of tobacco in Scotland and the manufacture or preparation of tobacco grown in Scotland except by persons holding a licence, and on land or premises approved by the Commissioners for the purpose, and for fixing the date of the expiration of a licence, and also for regulating such growth, cultivation, manufacture, or preparation, with a view to securing and collecting any excise duty for the time being payable in respect of tobacco, and for applying thereto any provision of the law relating to excise, or of the Manufactured Tobacco Act, 1863, or any Act amending the same, and, if any person acts in contravention of or fails to comply with any of those regulations, the article in respect of which the offence is committed shall be forfeited, and the person committing the offence shall be liable in respect of each offence to an excise penalty of fifty pounds.

26 & 27 Vict. c. 7.

Power to authorise growth of tobacco for experimental purposes.

2. Notwithstanding anything in any Act, the Commissioners of Inland Revenue may permit any persons to grow tobacco in Scotland for experimental purposes only, subject to any special regulations and conditions they think fit, and subject to any allowance in respect of any duty for the time being payable as may be sanctioned by the Treasury.

Short title.

3. This Act may be cited as the Tobacco Growing (Scotland) Act, 1908.

CHAPTER 11.

An Act to amend the Wild Birds Protection Acts, 1880 to 1904. [1st August 1908.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Offences and penalties.

1. Any person who shall take or attempt to take any wild bird by means of a hook or other similar instrument shall be guilty of an offence, and shall be liable, on summary conviction, to a penalty not exceeding forty shillings, and for a second or subsequent offence to a penalty not exceeding five pounds.

Prosecution of offences. 43 & 44 Vict. c. 35.

2. Every offence under this Act may be prosecuted under section five of the Wild Birds Protection Act, 1880.

Short title and construction.

3. This Act may be cited as the Wild Birds Protection Act, 1908, and shall be construed with the Wild Birds Protection Acts, 1880 to 1904, and those Acts and this Act may be cited collectively as the Wild Birds Protection Acts, 1880 to 1908.

CHAPTER 12.

An Act to amend the Law with respect to the holding of Land by Companies incorporated in British Possessions. [1st August 1908.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Power to companies incorporated in British possessions to hold land. 7 Edw. 7. c. 50.

1. A company incorporated in a British possession which has, either before or after the passing of this Act, filed with the Registrar of Joint Stock Companies the documents and particulars specified in paragraphs (*a*), (*b*), and (*c*) of subsection (1) of section thirty-five of the Companies Act, 1907, shall have the same power to hold land in the United Kingdom as if it were a company incorporated under the Companies Acts, 1862 to 1907.

Short title.

2. This Act may be cited as the Companies Act, 1908; and the Companies Acts, 1862 to 1907, and this Act may be cited together as the Companies Acts, 1862 to 1908.

CHAPTER 13.

An Act to make further provision with respect to the Arrangement of Polling Districts for the Election of County Councillors. [1st August 1908.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows (that is to say):

Short title.

1. This Act may be cited as the Polling Districts (County Councils) Act, 1908.

Extension of powers of county councils in relation to polling districts.

2. The powers of county councils for dividing electoral divisions into polling districts for the purpose of the election of county councillors may be exercised by them from time to time, and as often as they think fit, and such powers shall be deemed to include the power of altering any polling district from time to time.

CHAPTER 14.

An Act to amend the Law relating to the Arrangement of Polling Districts in Parliamentary Boroughs. [1st August 1908.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows (that is to say):

Short title.

1. This Act may be cited as the Polling Arrangements (Parliamentary Boroughs) Act, 1908.

Constitution of county council as the local authority in parliamentary boroughs. 31 & 32 Vict. c. 58.

2. The second paragraph of section eighteen of the Parliamentary Electors Registration Act, 1868, is hereby repealed, and the following enactment is substituted therefor: The local authority within the meaning of the same section, in boroughs where the town council is not the local authority, shall be the county council having jurisdiction over such borough, or over the greater part of the area thereof.

Extent of Act.

3. This Act shall not extend to Scotland or Ireland.

CHAPTER 15.

An Act to consolidate and amend the Law relating to the Payment of Costs in Criminal Cases.

[1st August 1908.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

PAYMENT OF COSTS OUT OF LOCAL FUNDS.

Power of court to direct payment out of local funds of costs of prosecution or defence.

1.—(1) The following courts, namely,—

(*a*) a court of assize or a court of quarter sessions before which any indictable offence is prosecuted or tried; and

(*b*) a court of summary jurisdiction by which an indictable offence is dealt with summarily under the Summary Jurisdiction Acts, and

(*c*) any justice or justices before whom a charge not dealt with summarily is made against any person for an indictable offence (in this Act referred to as the examining justices),

may on any such proceedings by order direct the payment of the costs of the prosecution or defence or both in accordance with the provisions of this Act out of the funds of the county or county borough out of which they are payable under this Act (in this Act referred to as local funds).

(2) The costs which may be so directed to be paid are such sums as, subject to the regulations of the Secretary of State under this Act, appear to the court reasonably sufficient to compensate the prosecutor for the expenses properly incurred by him in carrying on the prosecution, and to compensate any person properly attending to give evidence for the prosecution or defence, or called to give evidence at the instance of the court, for the expense, trouble, or loss of time properly incurred in or incidental to the attendance and giving of evidence, and the amount of any costs so directed to be paid shall be ascertained as soon as practicable by the proper officer of the court.

(3) Where it has been certified that a prisoner ought to have legal aid under the Poor Prisoners Defence Act, 1903, the costs which may be directed to be paid under this section shall, subject to the regulations of the Secretary of State under this Act, include the fees of solicitor and counsel, the costs of a copy of the depositions, and any other expenses properly incurred in carrying on the defence. 3 Edw. 7. c. 38

(4) No expenses to witnesses, whether for the prosecution or defence, shall be allowed at a court of assize or quarter sessions before which any indictable offence is prosecuted or tried, if such witnesses are witnesses to character only, unless the court shall otherwise order.

Payment of costs directed to be paid at assizes or quarter sessions.

2. As soon as the amount due to any person in respect of costs directed by a court of assize or a court of quarter sessions to be paid out of local funds has been ascertained, the proper officer shall make out and deliver to that person, or to any person who appears to the proper officer to be acting on behalf of that person, an order upon the treasurer of the county or borough out of the funds of which the costs are payable under this Act for the payment of that amount.

Payment of costs directed to be paid by court of summary jurisdiction or examining justices.

3.—(1) As soon as the amount due to any person in respect of costs directed by a court of summary jurisdiction or by examining justices to be paid out of local funds has been ascertained, the proper officer—

(*a*) shall pay to that person the amount due forthwith, if the amount is due for travelling or personal expenses in respect of his attendance to give evidence; and

(*b*) so far as the amount is not due in respect of attendance to give evidence, shall forward a certificate of the amount in the case of a committal to the proper officer of the court to which the defendant is committed, and in any other case to the clerk of the peace of the county or place for which the court or justices act.

(2) Any amount so paid by the proper officer to any person in respect of his attendance to give evidence shall be reimbursed to that officer by the treasurer of the county or borough out of the funds of which that sum is payable under this Act, and the treasurer shall be allowed any amount so reimbursed in his account.

(3) The certificate so forwarded shall be laid in the case of a certificate forwarded to the officer of the court to which the defendant is committed before that court, and in the case of a certificate forwarded to the clerk of the peace before the next court of quarter sessions, and in either case the court shall consider the certificate and cause an order to be made on the treasurer of the county or borough out of the funds of which the amount is payable for the payment of the amount so certified, or of any less amount which the court considers should have been allowed in the circumstances under this Act.

Where a certificate is forwarded to the officer of a court to which a defendant is committed for trial, the officer shall when practicable include the amount payable in respect of the costs so certified in the order for payment of any costs directed to be paid by the court to which the defendant is committed for trial.

Definition of local funds and procedure for payment of orders on local funds.

4.—(1) Costs in the case of offences committed or supposed to have been committed in a county borough, whether the court directing the payment is held in the borough or not, are payable under this Act out of the borough fund or borough rate of the county borough, and costs in the case of other offences are payable under this Act out of the county fund of the administrative

county in which the offence is committed or is supposed to have been committed.

For the purposes of this provision, offences committed within the jurisdiction of the Admiralty of England shall be deemed to have been committed in the place where the offender is prosecuted or tried, or, where the offender is tried at the Central Criminal Court, in the county of London; but any costs paid in the case of those offences out of the funds of any county or county borough shall be repaid out of moneys provided by Parliament.

(2) The treasurer of any county or county borough on whom an order is made for payment of any sum on account of costs under this Act shall, upon sight of the order, pay out of the county fund or borough fund or rate, as the case may be, to the person named therein or his duly authorised agent the sum specified in the order, and shall be allowed the sum in his accounts.

(3) The council of every county and of every county borough shall cause their treasurer, or some other person on his behalf, to attend at every court of assize or quarter sessions at which any indictable offence in respect of which an order can be made under this Act on the treasurer is to be tried for the purpose of paying any orders so made, and to remain in attendance for that purpose during the sitting of the court, or until such hour as the court shall direct.

(4) For the purpose of meeting any change in the financial relations between any counties and boroughs which may arise by virtue of the provisions of this Act as to the payment of any costs allowed under this Act, any necessary equitable adjustment may be made by agreement between the councils of the counties or boroughs concerned, or, in default of agreement, by the Local Government Board.

The Board may at their option determine the matter as arbitrators, or otherwise, and, if they elect to determine the matter as arbitrators, the provisions of the Regulation of Railways Act, 1868, respecting arbitrations by the Board of Trade, and the enactments amending those provisions, shall apply as if they were herein re-enacted and in terms made applicable to the Local Government Board and the determination of matters under this subsection. 31 & 32 Vict. c. 119.

For the purpose of this subsection the Local Government Board may hold any local inquiry, and subsections one and five of section eighty-seven of the Local Government Act, 1888, shall apply accordingly. 51 & 52 Vict. c. 41.

5. A Secretary of State may make regulations generally for carrying into effect this Act and in particular with respect to the following matters, namely:— Power to make regulations as to scales of costs, &c.

(*a*) the rates or scales of payment of any costs which are payable out of local funds under this Act and the conditions under which any such costs may be allowed; and

(*b*) the manner in which an officer of the court making any payment on account of costs to any person in respect of his attendance to give evidence is to be reimbursed out of local funds; and

(*c*) the form of orders, certificates, and notices under this Act, and the furnishing of information when certificates are forwarded under this Act by officers of courts of summary jurisdiction or of examining justices.

ORDER FOR PAYMENT OF COSTS BY DEFENDANT OR PROSECUTOR.

Power of court to order payment of costs of prosecution by defendant or of defence by prosecutor.

6.—(1) The court by or before which any person is convicted of an indictable offence may, if they think fit, in addition to any other lawful punishment, order the person convicted to pay the whole or any part of the costs incurred in or about the prosecution and conviction including any proceedings before the examining justices, as taxed by the proper officer of the court.

17 & 18 Vict. c. 102.
46 & 47 Vict. c. 51.
22 & 23 Vict. c. 17.

(2) Where a person is acquitted on any indictment or information by a private prosecutor for the publication of a defamatory libel, or for any offence against the Corrupt Practices Prevention Act, 1854, or for the offence of any corrupt practice within the meaning of the Corrupt and Illegal Practices Prevention Act, 1883, or on an indictment for an offence under the Merchandise Marks Acts, 1887 to 1894, or on an indictment presented to a grand jury under the Vexatious Indictments Act, 1859, in a case where the person acquitted has not been committed to or detained in custody or bound by recognizance to answer the indictment, the court before which the person acquitted is tried may order the prosecutor to pay the whole or any part of the costs incurred in or about the defence, including any proceedings before the examining justices, as taxed by the proper officer of the court.

(3) Where a charge made against any person for any indictable offence (not dealt with summarily) is dismissed by the examining justices, the justices may, if they are of opinion that the charge was not made in good faith, order the prosecutor to pay the whole or any part of the costs incurred in or about the defence, but if the amount ordered to be paid exceeds twenty-five pounds the prosecutor may appeal against the order to a court of quarter sessions in manner provided by the Summary Jurisdiction Acts, and no proceedings shall be taken upon the order until either the time within which the appeal can be made has elapsed without an appeal being made, or, in case an appeal is made, until the appeal is determined or ceases to be prosecuted.

(4) An order under this section for the payment of costs by the person convicted or by the prosecutor may be made in addition to an order directing payment of costs out of local funds, and, where an order is made directing payment out of local funds, the costs shall primarily be payable out of local

funds in accordance with this Act, but notice of any order under this section for the payment of costs by the person convicted or by the prosecutor shall be sent to the council of the county or borough out of the funds of which they are so payable.

(5) Any order under this section may be enforced, as to any costs primarily paid out of local funds, by the council of the county or borough out of the funds of which they have been so paid, and, as to any other costs, by the person to whom the costs are ordered to be paid, in the same manner as an order for the payment of costs made by the High Court in civil proceedings, or as a civil debt in manner provided by the Summary Jurisdiction Acts, and, in the case of costs which a person convicted is ordered to pay, out of any money taken on his apprehension from the person convicted, so far as the court so directs.

SUPPLEMENTAL.

Power as to costs where person committed for trial is not ultimately tried.

7. Where a person has been committed for trial for an indictable offence and is not ultimately tried, the court to which he is committed shall have power to direct or order payment of costs under this Act in the same manner as if the defendant had been tried and acquitted.

Saving.

8. Nothing in this Act shall affect the operation of any enactment for the time being in force which provides for the payment of the costs of the prosecution or defence of an indictable offence out of any assets, money, or fund other than local funds, or by any person other than the prosecutor or defendant.

Interpretation, &c.

9.—(1) In this Act the expression "indictable offence" includes any offence punishable on summary conviction when that offence is under the Summary Jurisdiction Acts deemed to be as respects the person charged an indictable offence, and the expression "prosecutor" includes any person who appears to the court to be a person at whose instance the prosecution has been instituted, or under whose conduct the prosecution is at any time carried on.

(2) Any reference in this Act to a person committed for trial shall include a reference to a person whom a prosecutor is bound over to prosecute under the Vexatious Indictments Act, 1859, and any reference to the court to which a person is committed shall in such a case be construed as a reference to the court at which the prosecutor is so bound over to prosecute.

(3) This Act shall not apply in the case of an offence in relation to the non-repair or obstruction of any highway, public bridge, or navigable river, and costs in any such case may be allowed as in civil proceedings as if the prosecutor or defendant were plaintiff or defendant in any such proceedings.

(4) This Act shall apply in a case of a person committed as an incorrigible rogue under the Vagrancy Act, 1824, as if that person were committed for trial for an indictable offence, and

5 Geo. 4. c. 83.

in the case of any appeal under that Act as if the hearing of the appeal by the court of quarter sessions were the trial of an indictable offence.

7 Edw. 7. c. 23. (5) For the purpose of section thirteen of the Criminal Appeal Act, 1907 (which relates to the costs of appeal), the hearing of a case stated under the Crown Cases Act, 1848, shall be deemed to be an appeal, and the person in relation to whose conviction the case is stated shall be deemed to be an appellant, and the provisions of this Act giving power to direct the payment of the costs of the prosecution and defence shall not apply to the hearing of any case so stated.

11 & 12 Vict. c. 78.

62 & 63 Vict. c. 35. 7 Edw. 7. c. 23. (6) A reference to the payment of costs out of local funds under this Act shall be substituted for any reference to the payment of expenses in the case of an indictment for felony, or in cases of felony, or in the case of a misdemeanour under the Criminal Law Act, 1826, or any like reference in section one of the Inebriates Act, 1899, or in section thirteen of the Criminal Appeal Act, 1907, or in any other enactment.

7 Geo. 4. c. 64. 62 & 63 Vict. c. 35.

Repeal, commencement, short title, and extent.

10.—(1) The enactments specified in the Schedule to this Act are hereby repealed to the extent mentioned in the third column of that Schedule:

Provided that, without prejudice to the general application of section thirty-eight of the Interpretation Act, 1889, with regard to the effect of repeals,—

52 & 53 Vict. c. 63.

(*a*) any regulations made by a Secretary of State under section five of the Criminal Justice Administration Act, 1851, shall continue to have effect as if they had been made under the powers given by this Act; and

14 & 15 Vict. c. 55.

(*b*) Where, in determining the amount of any fees to be paid to counsel or solicitors or any other matter which may be, but is not at the time of the passing of this Act, regulated by regulations made by the Secretary of State, regard is had under the practice as existing at the time of the passing of this Act to any rates or scales of payment authorised by a court of quarter sessions, those rates and scales of payment shall have effect as if they were contained in regulations made by the Secretary of State under this Act; and

(*c*) The repeal of any enactment which imposes an obligation to pay a fee to any officer shall not affect the salary paid in lieu of fees to any person who is such an officer at the time of the passing of this Act.

(2) This Act shall come into operation on the first day of January nineteen hundred and nine.

(3) This Act may be cited as the Costs in Criminal Cases Act, 1908.

(4) This Act shall not extend to Scotland or Ireland.

SCHEDULE.

Section 10.

Repeals.

Session and Chapter.	Short Title.	Extent of Repeal.
38 Geo. 3. c. 52	The Counties of Cities Act, 1798.	The words "the expenses of the "prosecution and of the wit- "nesses and of" in section eight.
5 Geo. 4. c. 83	The Vagrancy Act, 1824.	Section nine, from "and the jus- tices of the peace" to "allowed the same in his account."
7 Geo. 4. c. 64	The Criminal Law Act, 1826.	Sections twenty-two, twenty-three, twenty-four, and twenty-five.
4 & 5 Will. 4. c. 36.	The Central Criminal Court Act, 1834.	Section twelve.
5 & 6 Will. 4. c. 50.	The Highway Act, 1835.	Section ninety-five, from "and the costs" to "shall be situate" and section ninety-eight.
1 & 2 Vict. c. 82.	The Parkhurst Prison Act, 1838.	Section fourteen, from "and the expenses" to the end of the section.
6 & 7 Vict. c. 96.	The Libel Act, 1843.	Section eight.
11 & 12 Vict. c. 12.	The Treason Felony Act, 1848.	Section ten.
13 & 14 Vict. c. 101.	The Poor Law Amend- ment Act, 1850.	Section nine, from "and shall" to the end of the section.
14 & 15 Vict. c. 19.	The Prevention of Offences Act, 1851.	Section fourteen.
14 & 15 Vict. c. 55.	The Criminal Justice Administration Act, 1851.	Section two. Section five, from "to prosecu- tors" to "prosecutions and," and from "and also" to "certificates relate." Section six, from "payment to any prosecutor" to "loss of time, or order," and from "and where" to the end of the section.
17 & 18 Vict. c. 102.	The Corrupt Practices Prevention Act, 1854.	Section ten, from the beginning of the section down to "provided always that," and sections twelve and thirteen.
24 & 25 Vict. c. 96.	The Larceny Act, 1861.	Section one hundred and twenty- one.

Session and Chapter.	Short Title.	Extent of Repeal.
24 & 25 Vict. c. 97.	The Malicious Damage Act, 1861.	Section seventy-seven.
24 & 25 Vict. c. 98.	The Forgery Act, 1861.	Section fifty-four.
24 & 25 Vict. c. 99.	The Coinage Offences Act, 1861.	Section forty-two.
24 & 25 Vict. c. 100.	The Offences against the Person Act, 1861.	Sections seventy-four, seventy-five, and seventy-seven.
25 & 26 Vict. c. 61.	The Highway Act, 1862.	Section nineteen, from "and the costs" to the end of the section.
30 & 31 Vict. c. 35.	The Criminal Law Amendment Act, 1867.	Sections two and five.
32 & 33 Vict. c. 62.	The Debtors Act, 1869.	Section seventeen.
32 & 33 Vict. c. 89.	The Clerks of Assize, &c. Act, 1869.	Sections nine, ten, and eleven.
33 & 34 Vict. c. 23.	The Forfeiture Act, 1870.	Section three.
35 & 36 Vict. c. 33.	The Ballot Act, 1872	Section twenty-four from "and the costs" to "in cases of felony."
42 & 43 Vict. c. 49.	The Summary Jurisdiction Act, 1879.	In subsection (1) of section seventeen, the words "and the expenses of the prosecution shall be payable as in cases of felony." Section twenty-eight except so far as that section is applied by section one of the Inebriates Act, 1899, or any other Act.
45 & 46 Vict. c. 50.	The Municipal Corporations Act, 1882.	The word "prosecution" in section one hundred and fifty-one, and section one hundred and sixty-nine.
46 & 47 Vict. c. 51.	The Corrupt and Illegal Practices Prevention Act, 1883	The words "twelve and thirteen" in section fifty-three, and subsection (2) of section fifty-seven.
48 & 49 Vict. c. 69.	The Criminal Law Amendment Act, 1885.	Section eighteen.
50 & 51 Vict. c. 28.	The Merchandise Marks Act, 1887.	Section fourteen.
51 & 52 Vict. c. 41.	The Local Government Act, 1888.	The words "and all costs of prosecutions mentioned in section one hundred and sixty-nine of the Municipal Corporations Act, 1882, shall be paid out of the county fund" in subsection (5) of section thirty-five.

Session and Chapter.	Short Title.	Extent of Repeal.
51 & 52 Vict. c. 41.	The Local Government Act, 1888.	Section sixty-seven, from "and the county council" to the end of the section. The words "but nothing shall require a quarter sessions borough to contribute towards the costs of prosecutions at assizes except in the case of persons committed for trial from the borough" in section one hundred.
52 & 53 Vict. c. 52.	The Official Secrets Act, 1889.	Section four.
52 & 53 Vict. c. 69.	The Public Bodies Corrupt Practices Act, 1889.	Section five.
57 & 58 Vict. c. 60.	The Merchant Shipping Act, 1894.	Section seven hundred and one.
3 Edw. 7. c. 38	The Poor Prisoners Defence Act, 1903.	Subsection (2) of section one.
4 Edw. 7. c. 15	The Prevention of Cruelty to Children Act, 1904.	Section twenty.
6 Edw. 7. c. 34	The Prevention of Corruption Act, 1906.	Subsection (4) of section two.

CHAPTER 16.

An Act to grant certain duties of Customs and Inland Revenue, to alter other duties, and to amend the Law relating to Customs and Inland Revenue and the National Debt, and to make other provisions for the financial arrangements of the year. [1st August 1908.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, towards raising the necessary supplies to defray Your Majesty's public expenses, and making an addition to the public revenue, have freely and voluntarily resolved to give and grant unto Your Majesty the several duties herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the advice and

consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

PART I.

CUSTOMS AND EXCISE.

Duty on tea. 7 Edw. 7. c. 13

1. The duty of Customs payable on tea until the first day of July nineteen hundred and eight, under the Finance Act, 1907, shall be deemed to have been continued as from that date and shall continue to be charged, levied, and paid until the first day of July nineteen hundred and nine, on the importation thereof into Great Britain or Ireland (that is to say) :—

Tea, the pound - - - fivepence.

Reduction of sugar duty.

2. The duties, drawbacks, and allowance in respect of sugar, molasses, glucose, and saccharin set out in the Schedule to this Act shall, as from the eighteenth day of May nineteen hundred and eight, be at the reduced rates set out in the second column of that Schedule, instead of at the rates set out in the third column of that Schedule (being the rates previously in force) :

Provided that the reduction shall be deemed not to have taken effect until the first day of July nineteen hundred and eight, as respects any such duty charged on manufactured or prepared goods under section seven of the Finance Act, 1901, and as respects the drawback allowed on any such goods in respect of which it is shown to the satisfaction of the Commissioners of Customs that the duty was paid on the sugar, molasses, glucose, or saccharin used in the manufacture or preparation at the rates charged before the eighteenth day of May nineteen hundred and eight.

1 Edw. 7. c. 7.

Duty on tobacco produced in Ireland. Bringing into operation and re-enactment of the Irish Tobacco Act, 1907.

3.—(1) There shall be charged, levied, and paid, on and after the first day of January nineteen hundred and nine, on tobacco grown in Ireland, the following Excise duties, namely :—

		s.	*d.*
Upon tobacco, manufactured, namely—			
Cavendish, or negro head manufactured, in bond	the lb.	3	10
Upon tobacco, unmanufactured, namely—			
Tobacco containing 10 lbs. or more of moisture in every 100 lbs. weight thereof -	the lb.	2	10
Tobacco containing less than 10 lbs. of moisture in every 100 lbs. weight thereof -	the lb.	3	2

and there shall be charged, on and after the same date, on a licence to be taken out annually by every person growing, cultivating, or curing tobacco, in Ireland, an excise duty of five shillings.

(2) The Commissioners of Inland Revenue may make regulations generally for securing and collecting the excise duties payable under this section and for prohibiting the growth or

cultivation of tobacco in Ireland, and the curing of tobacco so grown, except by persons holding a licence and having made entry for the purpose, and on land or premises approved by the Commissioners for the purpose, and for regulating the removal of tobacco so grown and enabling a licensed manufacturer of tobacco to receive any such tobacco.

The Commissioners may, by any such regulations, apply any provision of the law of excise, whether relating to excise duties generally or to any special article on which an excise duty is payable, and any provision of the Manufactured Tobacco Act, 1863, or any Act amending the same. 26 & 27 Vict. c. 7.

If any person acts in contravention of, or fails to comply with, any such regulation, the article in respect of which the offence is committed shall be forfeited, and the person committing the offence shall be liable in respect of each offence to an excise penalty of fifty pounds.

(3) The Commissioners of Inland Revenue may, notwithstanding anything in this section, permit any person to grow tobacco in Ireland for experimental purposes only, subject to any special regulations and conditions they think fit, and with the benefit of any allowance in respect of the duty for the time being payable as may be sanctioned by the Treasury.

(4) So much of the Tobacco Cultivation Act, 1831, and any other Act, as prohibits or restrains the setting, planting, or improving to grow, making, or curing tobacco either in seed or plant or otherwise in the Kingdom of Ireland, and section four of the Tobacco Cultivation Act, 1831, so far as it relates to tobacco grown in Ireland upon which the duty under this section has been paid, and the Irish Tobacco Act, 1907, are hereby repealed as from the first day of January nineteen hundred and nine. 1 & 2 Will. 4. c. 13. 7 Edw. 7. c. 3.

Power to transfer management of Excise duties from Inland Revenue to Customs.

4.—(1) His Majesty may by Order in Council transfer from the Commissioners of Inland Revenue to the Commissioners of Customs the management of any Excise duties which are under the management of the Commissioners of Inland Revenue at the time the Order is made, and any powers and duties of the Commissioners of Inland Revenue which it appears necessary or expedient to transfer in consequence of or in connection with the transfer of the management of excise duties, and all powers and duties so transferred shall become powers and duties of the Commissioners of Customs.

(2) If an Order is made under this section, the Commissioners of Customs shall, as from the date fixed by the Order, be styled the Commissioners of Customs and Excise.

(3) Such provisions may be made by the Order in Council under this section as it appears necessary or expedient to make in order to give full effect to any transfer, or in consequence of any change of name, effected under this section, and, for the purpose of making the provisions as to the action and procedure of the Commissioners of Customs and Excise under the Acts

relating to customs and excise respectively uniform, the Order may provide that as to the action or procedure of the Commissioners any provisions of the Acts relating to excise shall have effect to the exclusion of similar provisions of the Acts relating to customs, or that any provisions of the Acts relating to customs shall have effect to the exclusion of similar provisions of the Acts relating to excise.

(4) The stamp duties on medicines and playing cards shall, for the purposes of this section and for all other purposes, be deemed to be excise duties.

PART II.

STAMPS.

Reduction of stamp duty on marine policies for a voyage. 54 & 55 Vict. c. 39.

5. As from the first day of January nineteen hundred and nine, a penny shall be substituted for threepence as the stamp duty chargeable under paragraph (2) (*a*) of the heading POLICY OF SEA INSURANCE in the First Schedule to the Stamp Act, 1891, on a policy of sea insurance for or upon any voyage in respect of every full sum of one hundred pounds, and also any fractional part of a hundred pounds, insured by the policy.

PART III.

LOCAL TAXATION LICENCES.

Collection of duties on certain local taxation licences by county councils. 7 Edw. 7. c. 13.

6.—(1) The power to levy the duties on local taxation licences to which this section applies shall, as from the date to be fixed by Order in Council under this section, be transferred in England and Wales to county councils, and section seventeen of the Finance Act, 1907, shall, as from the date of the transfer, cease to apply to or in respect of any such duties or the proceeds thereof.

(2) His Majesty may, by Order in Council, fix the date of the transfer under this section, and make any such further provisions as it appears necessary or expedient to make in order to give full effect to the transfer, and may make provision for the furnishing by county councils of returns to the Local Government Board as to the amounts levied under the power transferred by this section.

The transfer under this section shall not affect any equitable adjustment respecting the distribution of the proceeds of the local taxation licences made under the Local Government Act, 1888, or otherwise, but provision may be made by Order in Council under this section for any alteration which it appears necessary or expedient to make in consequence of the transfer in the procedure for making any payments, or otherwise giving effect to any such adjustment. 51 & 52 Vict. c. 41.

Subsections (3) (4) and (5) of section twenty of the Local Government Act, 1888, and any other provisions of that Act relating to the levy of the duties on local taxation licences by county councils shall, as respects the duties to which this section

applies, have effect as if the power to levy those duties had been transferred under subsection (3) of section twenty of that Act.

(3) When the transfer under this section takes effect there shall be charged on and paid annually out of the Consolidated Fund or the growing produce thereof to the Local Taxation Account a sum of forty thousand pounds, and the sum so paid shall be distributed amongst the county councils in England and Wales in proportion to the proceeds of the duties to which this section applies collected in each county during the preceding year.

(4) The duties on local taxation licences to which this section applies are the duties on licences to deal in game, licences for dogs, killing game, guns, carriages (including duties charged under subsection (1) of section eight of the Locomotives on Highways Act, 1896), armorial bearings, and male servants: 59 & 60 Vict. c. 36.

Provided that if the rate of any such duty is altered, that duty shall, unless Parliament makes provision to the contrary, cease to be a duty to which this section applies.

(5) The expressions "county" and "county council" in this section respectively include a county borough and the council of a county borough.

Part IV.

Taxes.

7.—(1) Income tax for the year beginning on the sixth day of April nineteen hundred and eight shall be charged at the rate of one shilling. Income tax for 1908-9.

(2) All such enactments relating to income tax as were in force on the fifth day of April nineteen hundred and eight shall have full force and effect with respect to the duty of income tax hereby granted.

(3) The annual value of any property which has been adopted for the purpose either of income tax under Schedules A. and B. in the Income Tax Act, 1853, or of inhabited house duty, during the year ending on the fifth day of April nineteen hundred and eight, shall be taken as the annual value of such property for the same purpose during the next subsequent year; provided that this subsection— 16 & 17 Vict. c. 34.

(*a*) so far as respects the duty on inhabited houses in Scotland, shall be construed with the substitution of the twenty-fourth day of May for the fifth day of April; and

(*b*) shall not apply to the Metropolis as defined by the Valuation (Metropolis) Act, 1869. 32 & 33 Vict. c. 67.

8. Section three of the Taxes (Regulation of Remuneration) Act, 1891 (which relates to allowances to assessors), shall be amended by the substitution of the words "such sum as the "Commissioners of Inland Revenue, with the approval of the "Treasury, may direct, not being less than" for the words "the same amount as" in paragraphs (*a*) and (*b*) of that section. Remuneration of assessors. 54 & 55 Vict. c. 13.

PART V.

NATIONAL DEBT.

Partial application of surplus for erection of buildings for public offices. 38 & 39 Vict. c. 45.

9. Such sum as is shown by the account certified by the Comptroller and Auditor-General under section four of the Sinking Fund Act, 1875, to be the surplus of income over expenditure for the financial year ended the thirty-first day of March nineteen hundred and eight shall, to the extent of six hundred thousand pounds, instead of being issued and applied as provided by that Act, be issued by the Treasury at such times as they direct to the Commissioners of Works and applied in defraying any expenses incurred by those Commissioners in erecting buildings and executing other works for, or in connection with, public offices on land at Westminster acquired or to be acquired for the purpose.

PART VI.

GENERAL.

Construction and short title. 39 & 40 Vict. c. 36.

10.—(1) Part I. of this Act so far as it relates to duties of Customs shall be construed together with the Customs Consolidation Act, 1876, and the Acts amending that Act, and so far as it relates to duties of Excise shall be construed together with the Acts which relate to the duties of Excise and the management of those duties.

Part II. of this Act shall be construed together with the Stamp Act, 1891.

54 & 55 Vict. c. 39.

(2) This Act may be cited as the Finance Act, 1908.

Section 2

SCHEDULE.

1. CUSTOMS DUTIES UNDER SECTION 2 OF THE FINANCE ACT, 1901.

Article.	Reduced Rate.	Present Rate.
	£ s. d.	£ s. d.
Sugar which, when tested by the polariscope, indicates a polarisation exceeding ninety-eight degrees - - - - the cwt.	0 1 10	0 4 2
Sugar of a polarisation not exceeding seventy-six degrees - - - - - the cwt.	0 0 10	0 2 0
Sugar of a polarisation—		
Exceeding 76 and not exceeding 77 - the cwt.	0 0 10·9	0 2 0·8
,, 77 ,, 78 - ,,	0 0 11·2	0 2 1·6
,, 78 ,, 79 - ,,	0 0 11·6	0 2 2·4

Article.	Reduced Rate.	Present Rate.
	£ s. d.	£ s. d.
Sugar of a polarisation—		
Exceeding 79 and not exceeding 80 - the cwt.	0 0 11·9	0 2 3·2
" 80 " 81 - "	0 1 0·3	0 2 4
" 81 " 82 - "	0 1 0·6	0 2 4·8
" 82 " 83 - "	0 1 1	0 2 5·6
" 83 " 84 - "	0 1 1·4	0 2 6·5
" 84 " 85 - "	0 1 1·8	0 2 7·4
" 85 " 86 - "	0 1 2·2	0 2 8·3
" 86 " 87 - "	0 1 2·6	0 2 9·2
" 87 " 88 - "	0 1 3	0 2 10·2
" 88 " 89 - "	0 1 3·4	0 2 11·2
" 89 " 90 - "	0 1 4	0 3 0·4
" 90 " 91 - "	0 1 4·5	0 3 1·6
" 91 " 92 - "	0 1 5	0 3 2·8
" 92 " 93 - "	0 1 5·6	0 3 4
" 93 " 94 - "	0 1 6·1	0 3 5·2
" 94 " 95 - "	0 1 6·6	0 3 6·4
" 95 " 96 - "	0 1 7·1	0 3 7·6
" 96 " 97 - "	0 1 7·7	0 3 8·8
" 97 " 98 - "	0 1 8·2	0 3 10
Molasses (except when cleared for use by a licensed distiller in the manufacture of spirits), and invert sugar and all other sugar and extracts from sugar which cannot be completely tested by the polariscope and on which duty is not specially charged by this section—		
If containing 70 per cent. or more of sweetening matter - - - the cwt.	0 1 2	0 2 9
If containing less than 70 per cent. and more than 50 per cent. of sweetening matter - - - - the cwt.	0 0 10	0 2 0
If containing not more that 50 per cent of sweetening matter - - - the cwt.	0 0 5	0 1 0
The amount of sweetening matter to be taken to be the total amount of cane, invert, and other sugar contained in the article as determined by analysis in manner directed by the Commissioners of Customs.		
Glucose :		
Solid - - - - - the cwt.	0 1 2	0 2 9
Liquid - - - - - "	0 0 10	0 2 0
Saccharin (including substances of a like nature or use) - - - - the oz.	0 0 7	0 1 3

2. Excise Duties under Section 5 of the Finance Act, 1901.

	£ s. d.	£ s. d.
Glucose made in Great Britain or Ireland,—		
Solid - - - - - the cwt.	0 1 2	0 2 9
Liquid - - - - - - "	0 0 10	0 2 0
and so in proportion for any less quantity.		
Saccharin (including substances of a like nature or use) made in Great Britain or Ireland - the oz.	0 0 7	0 1 3
and so in proportion for any less quantity.		

3. DRAWBACKS UNDER SECOND AND THIRD SCHEDULES OF THE FINANCE ACT, 1901.

Article.	Reduced Rate.	Present Rate.
Drawback to be allowed to a refiner on molasses produced in Great Britain or Ireland, and delivered by him to a licensed distiller for use in the manufacture of spirits - - the cwt.	£ s. d. 0 0 5	£ s. d. 0 1 0
Other drawbacks - -	According to the amount of duty paid at the reduced rate.	According to the amount of duty paid at the present rate.

4. ALLOWANCE UNDER SECTION 1 (2) OF THE REVENUE ACT, 1903.

		Reduced Rate.	Present Rate.
		£ s. d.	£ s. d.
Allowance to a refiner on molasses	- the cwt.	0 0 5	0 1 0

CHAPTER 17.

An Act to legalise the use of Cran and Quarter Cran Measures in connexion with trading in Fresh Herrings in England and Wales. [1st August 1908.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Use of cran or quarter cran measure.

1.—(1) In any place in which this Act is in force, any person buying, selling, delivering, or receiving fresh herrings shall be entitled to use for the purpose thereof the measure known as the cran, being a measure the content or capacity of which is determined by regulations made under section thirteen of the 55 Geo. 3. c. 94. Herring Fishery (Scotland) Act, 1815, or a quarter cran measure being a measure of such capacity that four times its content when filled with herrings shall be equal to one cran.

(2) A cran or quarter cran measure shall be made in the prescribed manner of wood or of such other material as may be prescribed, and shall be branded or otherwise marked by an inspector of weights and measures in the prescribed manner.

(3) Subject to the provisions of this Act cran and quarter cran measures so made and marked as aforesaid shall be the only legal measures for use in buying, selling, delivering, or receiving fresh herrings in any place in which this Act is in force; and any person using or having in his possession in any

such place for any such purpose any box, basket, or other measure not so made and marked (except as herein-after provided) shall, on summary conviction, be liable to a fine not exceeding five pounds for the first offence, and not exceeding twenty pounds for the second or any subsequent offence, and also to the forfeiture of the measure, and any bargain, contract, sale, or dealing made by such a measure shall be void:

Provided that nothing in this section shall prevent the sale of herrings by weight, or number, or in bulk.

Verification of measures.

2.—(1) Where this Act is in force the local authority shall fix the times and places within their district at which an inspector of weights and measures is to attend for the purpose of the verification of the cran or quarter cran measures; and the inspector shall then and there examine in the prescribed manner every such measure brought to him for the purpose of verification, and, if he find the same to be correctly made in the prescribed manner, shall brand or otherwise mark it in the prescribed manner, but a cran or quarter cran measure shall not be liable to be re-marked because used in any place other than that in which it was originally marked.

(2) If any inspector of weights and measures brands or otherwise marks a cran or quarter cran measure in contravention of this Act or regulations made thereunder, or without duly verifying it in the prescribed manner, or is guilty of a breach of any duty imposed on him by or under this Act, or otherwise misconducts himself in the execution of his powers under this Act, he shall be liable, on summary conviction, to a fine not exceeding five pounds for each offence.

Powers of inspection and entry, &c.

3.—(1) An inspector of weights and measures, if authorised in writing by a justice of the peace, may at all reasonable times inspect all cran and quarter cran measures within his jurisdiction which are used or are in the possession of any person or on any premises for use for trade in fresh herrings, and may seize and detain any measure which is liable to be forfeited in pursuance of this Act, and may for the purpose of such inspection enter any place, whether a building or a vessel or in the open air, whether open or enclosed, where he has reasonable cause to believe that there is any measure which he is authorised by this Act to inspect.

(2) Any person who neglects or refuses to produce for such inspection all such measures as aforesaid in his possession or on his premises, or refuses to permit the officer to examine them or any of them, or obstructs the entry of the officer under this section, or otherwise obstructs or hinders an officer acting under this section, shall be liable on summary conviction to a fine not exceeding five, or in the case of a second or subsequent offence ten, pounds.

Fees for marking.

4. An inspector of weights and measures may take in respect of the verification and marking of a measure under this Act such

fees as may be specified by Order in Council and no others, and he shall, at such times, not less than once a quarter, as the local authority direct, account for and pay over to the local authority, or as they direct, all fees so taken.

Forgery of marks.

5.—(1) If any person forges or counterfeits any brand or other mark used for marking cran or quarter cran measures under this Act, or wilfully increases or diminishes the capacity of any such measure, he shall be liable, on summary conviction, to a fine not exceeding fifty pounds.

(2) If any person knowingly uses, sells, utters, disposes of, or exposes for sale any such measure with such forged or counterfeit mark thereon, or any such measure so increased or diminished, he shall be liable, on summary conviction, to a fine not exceeding ten pounds.

(3) All such measures with any such forged or counterfeit mark thereon shall be forfeited.

(4) For the purposes of this section any person who removes a mark from any such measure and inserts the same into another such measure shall be deemed to forge or counterfeit a mark within the meaning of this section.

Use of Scotch cran measures in England, and vice versâ. 52 & 53 Vict. c. 23. 54 & 55 Vict. c. 28.

6. Cran and quarter cran measures made and marked under and in accordance with section four of the Herring Fishery (Scotland) Act, 1889, and the branding of Herrings (Northumberland) Act, 1891, shall be legal measures for use in buying, selling, delivering, or receiving fresh herrings in any place in which this Act is in force, and measures made and marked under and in accordance with this Act shall be legal measures for use in the Scotch herring fishery and in any area to which the powers of the Fishery Board for Scotland extend under the Branding of Herrings (Northumberland) Act, 1891.

Provision for Northumberland.

7. If this Act is put in force in any part of the area to which the Branding of Herrings (Northumberland) Act, 1891, applies, the powers of the Fishery Board for Scotland, and of their officers under that Act, shall cease to be exerciseable in that part so far as concerns the marking of or otherwise dealing with cran or quarter cran measures.

Regulations by Board of Agriculture and Fisheries.

8. For the purposes of this Act, the Board of Agriculture and Fisheries may, as regards cran and quarter cran measures, make regulations with respect to any matter which under this Act may be prescribed, and any matter with respect to which the Board of Trade may make general regulations under the Weights and Measures Acts, 1878 to 1904, subject, however, to the conditions applicable to the making of such regulations.

Legal proceedings.

9.—(1) Such portion of any fine under this Act, not exceeding a moiety, as the court of summary jurisdiction before whom a person is convicted under this Act think fit to direct may, if the court in their discretion so order, be paid to the

informer, unless the informer is an inspector of weights and measures.

(2) All measures forfeited under this Act shall be broken up, and the materials thereof may be sold or otherwise disposed of as a court of summary jurisdiction direct, and the proceeds of the sale shall be applied in like manner as fines under this Act.

(3) A person shall not be liable to any increased penalty for a second offence under any section of this Act unless that offence was committed after conviction within five years previously for an offence under the same section.

(4) Where a person is convicted under any section of this Act of an offence and the court by which he is convicted is of opinion that the offence was committed with intent to defraud, he shall be liable, in addition to or in lieu of any fine, to be imprisoned with or without hard labour for a term not exceeding two months.

(5) Where any cran or quarter cran measure is found in the possession of any person carrying on trade in fresh herrings, or on the premises of any person which, whether a building or a vessel or in the open air, whether opened or enclosed, are used for trade in fresh herrings, that person shall be deemed for the purposes of this Act, until the contrary is proved, to have the measures in his possession for use for trade in fresh herrings.

(6) Any person who feels himself aggrieved by a conviction or order of a court of summary jurisdiction under this Act may appeal to quarter sessions.

(7) An inspector of weights and measures may, with the consent of the local authority, prosecute any proceedings arising under this Act or in the discharge of his duties as such inspector.

Local authorities.

10. The local authority, for the purposes of this Act, shall be the local authority for the purposes of the Weights and Measures Acts, 1878 to 1904, and the expenses incurred by such a local authority under this Act shall be defrayed as expenses of the authority under those Acts, and two or more local authorities may combine for the purposes of this Act in like manner as for the purposes of those Acts, and for the purposes of this Act the jurisdiction of a local authority shall extend to the sea adjoining their district and within the exclusive fishery limits of the British Islands.

Application of Act.

11.—(1) The Board of Agriculture and Fisheries may on the application of a local authority in England or Wales, by order to be published in such manner as the Board direct, declare this Act to be in force in the district of the local authority, or any part thereof, including the sea adjoining that district or part, and within the exclusive fishery limits of the British Islands.

(2) The local authority shall two weeks at least before applying for an order give notice of their intention to make such an application by advertising once, at least, in each of two successive weeks in one or more newspapers circulating in their district,

and no order shall be made under this section until proof of such advertisement has been given to the satisfaction of the Board and until one month has elapsed after the date of the latest advertisement.

Short title.

12. This Act may be cited as the Cran Measures Act, 1908.

CHAPTER 18.

An Act to continue various Expiring Laws.

[1st August 1908.]

WHEREAS the Acts mentioned in Part I. of the Schedule to this Act are, in so far as they are in force and are temporary in their duration, limited to expire on the thirty-first day of December nineteen hundred and eight:

And whereas the Act mentioned in Part II. of the Schedule to this Act is, to the extent aforesaid, limited to expire on the tenth day of August nineteen hundred and eight:

And whereas it is expedient to provide for the continuance as in this Act mentioned of those Acts, and of the enactments amending or affecting the same:

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Continuance of Acts in Schedule.

1.—(1) The Acts mentioned in the Schedule to this Act shall, to the extent specified in column three of that Schedule, be continued until the thirty-first day of December nineteen hundred and nine, and shall then expire, unless further continued.

(2) Any unrepealed enactments amending or affecting the enactments continued by this Act shall, in so far as they are temporary in their duration, be continued in like manner, whether they are mentioned in the schedule to this Act or not.

Short title.

2. This Act may be cited as the Expiring Laws Continuance Act, 1908.

SCHEDULE.

Section 1.

PART I.

1. Session and Chapter.	2. Short Title.	3. How far continued.	4. Amending Acts.
(1.) 3 & 4 Vict. c. 89.	The Poor Rate Exemption Act, 1840.	The whole Act.	—

1. Session and Chapter.	2. Short Title.	3. How far continued.	4. Amending Acts.
(2.) 3 & 4 Vict. c. 91.	The Textile Manufactures (Ireland) Act, 1840.	The whole Act -	5 & 6 Vict. c. 68. 30 & 31 Vict. c. 60.
(3.) 4 & 5 Vict. c. 30.	The Ordnance Survey Act, 1841.	The whole Act -	33 Vict. c. 13. 47 & 48 Vict. c. 43. 52 & 53 Vict. c. 30.
(4.) 10 & 11 Vict. c. 98.	The Ecclesiastical Jurisdiction Act, 1847.	As to the provisions continued by 21 & 22 Vict. c. 50.	——
(5.) 14 & 15 Vict. c. 104.	The Episcopal and Capitular Estates Act, 1851.	The whole Act -	17 & 18 Vict. c. 116. 21 & 22 Vict. c. 94. 22 & 23 Vict. c. 46. 23 & 24 Vict. c. 124. 31 & 32 Vict. c. 114. s. 10.
(6.) 17 & 18 Vict. c. 102.	The Corrupt Practices Prevention Act, 1854.	So much as is continued by the Corrupt and Illegal Practices Prevention Act, 1883.	26 & 27 Vict. c. 29. s. 6. 31 & 32 Vict. c. 125. 46 & 47 Vict. c. 51.
(7.) 26 & 27 Vict. c. 105.	The Promissory Notes Act, 1863.	The whole Act -	45 & 46 Vict. c. 61.
(8.) 27 & 28 Vict. c. 20.	The Promissory Notes (Ireland) Act, 1864.	The whole Act.	——
(9.) 28 & 29 Vict. c. 46.	The Militia (Ballot Suspension) Act, 1865.	The whole Act -	45 & 46 Vict. c. 49.
(10.) 28 & 29 Vict. c. 83.	The Locomotives Act, 1865	The whole Act -	41 & 42 Vict. c. 58. 41 & 42 Vict. c. 77. (Part II.) 59 & 60 Vict. c. 36. 61 & 62 Vict. c. 29.
(11.) 31 & 32 Vict. c. 125.	The Parliamentary Elections Act, 1868.	So much as is continued by the Corrupt and Illegal Practices Prevention Act, 1883.	42 & 43 Vict. c. 75. 46 & 47 Vict. c. 51.
(12.) 32 & 33 Vict. c. 21.	The Corrupt Practices Commission Expenses Act, 1869.	The whole Act -	34 & 35 Vict. c. 61.
(13.) 32 & 33 Vict. c. 56.	The Endowed Schools Act, 1869.	As to the powers of making schemes.	36 & 37 Vict. c. 87. 37 & 38 Vict. c. 87. 52 & 53 Vict. c. 40.
(14.) 33 & 34 Vict. c. 112.	The Glebe Loan (Ireland) Act, 1870.	The whole Act -	34 & 35 Vict. c. 100. 49 Vict. c. 6.
(15.) 34 & 35 Vict. c. 87.	The Sunday Observation Prosecution Act, 1871.	The whole Act.	——

1. Session and Chapter.	2. Short Title.	3. How far continued.	4. Amending Acts.
(16.) 35 & 36 Vict. c. 33.	The Ballot Act, 1872 -	The whole Act -	45 & 46 Vict. c. 50. (Municipal Elections).
(17.) 38 & 39 Vict. c. 84.	The Parliamentary Elections (Returning Officers) Act, 1875.	The whole Act -	46 & 47 Vict. c. 51. s. 32. 48 & 49 Vict. c. 62. 49 & 50 Vict. c. 57.
(18.) 39 & 40 Vict. c. 21.	The Jurors Qualification (Ireland) Act, 1876.	The whole Act -	57 & 58 Vict. c. 49. 61 & 62 Vict. c. 37. s. 69.
(19.) 41 & 42 Vict. c. 41.	The Parliamentary Elections Returning Officers Expenses (Scotland) Act, 1878.	The whole Act -	48 & 49 Vict. c. 62. 49 & 50 Vict. c. 58. 54 & 55 Vict. c. 49.
(20.) 43 Vict. c. 18.	The Parliamentary Elections and Corrupt Practices Act, 1880.	The whole Act -	46 & 47 Vict. c. 51.
(21.) 43 & 44 Vict. c. 42.	The Employers' Liability Act, 1880.	The whole Act -	6 Edw. 7. c. 58. s. 14.
(22.) 46 & 47 Vict. c. 51.	The Corrupt and Illegal Practices Prevention Act, 1883.	The whole Act -	58 & 59 Vict. c. 40.
(23.) 47 & 48 Vict. c. 70.	The Municipal Elections (Corrupt and Illegal Practices) Act, 1884.	The whole Act -	56 & 57 Vict. c. 73.
(24.) 49 & 50 Vict. c. 29.	The Crofters Holdings (Scotland) Act, 1886.	As to the powers of the Commissioners for the enlargement of holdings, s. 22.	50 & 51 Vict. c. 24. 51 & 52 Vict. c. 63. 54 & 55 Vict. c. 41.
(25.) 51 & 52 Vict. c. 55.	The Sand Grouse Protection Act, 1888.	The whole Act.	——
(26.) 52 & 53 Vict. c. 40.	The Welsh Intermediate Education Act, 1889.	As to the powers of the joint education committee and the suspension of the powers of the Charity Commissioners.	53 & 54 Vict. c. 60.
(27.) 58 & 59 Vict. c. 21.	The Seal Fisheries (North Pacific) Act, 1895.	The whole Act.	——
(28.) 59 Vict. c. 1. -	The Local Government (Elections) Act, 1896.	The whole Act.	——
(29.) 59 & 60 Vict. c. 48.	The Light Railways Act, 1896.	As to the powers of the Light Railway Commissioners.	——
(30.) 61 & 62 Vict. c. 49.	The Vaccination Act, 1898	The whole Act -	7 Edw. 7. c. 31.

1. Session and Chapter.	2. Short Title.	3. How far continued.	4. Amending Acts.
(31.) 2 Edw. 7. c. 18.	The Licensing (Ireland) Act, 1902.	The whole Act.	—
(32.) 3 Edw. 7. c. 36.	The Motor Car Act, 1903	The whole Act.	—
PART II.			
(33.) 5 Edw. 7. c. 18.	The Unemployed Workmen Act, 1905.	The whole Act.	—

CHAPTER 19.

An Act to make provision with respect to Loans and Sales made for the purpose of the supply of Seed Potatoes and Seed Oats to occupiers and cultivators of land in Ireland. [1st August 1908.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Validation and repayment of loans for provision of seed potatoes and seed oats.

1.—(1) Where, at any time between the first of December nineteen hundred and seven and the first of September nineteen hundred and eight, the Board of Works have, or shall have, with the consent of the Treasury and the approval of the Local Government Board, made out of monies at their disposal for the purpose of local loans any loans to the guardians of any union for the purpose of providing seed potatoes or seed oats or both, the loan shall be deemed to have been legally made and shall be repayable by the guardians to the Board of Works by two equal instalments, the first of which shall be paid on the first day of February nineteen hundred and ten, and the second on the first day of February nineteen hundred and eleven, with interest at the rate of three and a half per cent. per annum on the loan or any outstanding balance thereof from the date of the advance to the date of repayment, and the poor rate leviable in the union shall as from the date of the loan, without any deed of mortgage or other instrument, be and be deemed to have been charged with the repayment thereof and interest by the said instalments.

(2) If at any time the Board of Works certify that any sum is payable to them by the guardians of any union on account of any loan or interest as aforesaid, the Local Government Board shall, by order under their seal, assess that sum on the union

and send copies of the order to the guardians and the treasurer of the union; and within one month of the receipt of the copy of the order the treasurer of the union shall, out of any money then in his hands to the credit of the guardians, or, if such money is insufficient, then out of all moneys subsequently received by him on account of the guardians, pay the amount specified in the order to the Board of Works.

Validation of supply of seed potatoes and seed oats by guardians and repayment of price by purchasers.

2.—(1) Where at any time between the first of December nineteen hundred and seven and the first of September nineteen hundred and eight the guardians of any union have or shall have, with the sanction of the Local Government Board, provided a supply of seed potatoes or seed oats, or both, for the use of any district electoral division of their union, and have sold any such potatoes or oats to any occupier or cultivator of land in that electoral division, the sale shall be deemed to have been legally made, and any sum due to the guardians on account thereof shall be paid by two equal instalments, and the guardians shall certify the amount of each instalment to the council of the county comprising the electoral division affected.

(2) For obtaining payment of each instalment due from any person the county council or urban district council, as the case may be, shall levy the amount, where the person is rated to the poor rate, by a special rate to be added to the poor rate assessed on the tenements occupied by him and to be collected therewith.

(3) Where any such person is not rated to the poor rate, the county council or urban district council shall make a special rate for the purposes of this Act to which he shall be rated.

(4) Every such last-mentioned special rate shall be recoverable in the same manner and with the same remedies by the collectors of the poor rate as if it were poor rate, and shall be paid by the county council or urban district council to the guardians.

(5) Where the poor rate is collected in two moieties the special rate required for the purposes of this Act shall be collected with the first moiety of the poor rate.

(6) The first of the special rates required for the purposes of this Act shall be made at the same time as the first ordinary poor rate made during the year nineteen hundred and nine, and the second of those rates shall be made at the same time as the first ordinary poor rate made during the year nineteen hundred and ten.

(7) The first instalment payable by each purchaser of seed potatoes or seed oats shall be due on the day on which the first of such special rates is made, and the second instalment shall be due on the day on which the second of such special rates is made. Any such instalment may be paid to the guardians at any earlier date.

Saving as to franchise and disqualification.

3. No electoral disability or loss of parliamentary or other franchise shall be incurred by any voter by reason of the purchase

of seed potatoes or seed oats under this Act, nor shall any person be or be deemed to have been disqualified under any article in the schedule to the Local Government (Application of Enactments) Order, 1898, by reason of his having entered into a contract for such purchase.

Validation of orders and proceedings of Local Government Board.

4. All orders and regulations made, sanctions given, and things done by the Local Government Board in relation to the provision during the period in that behalf in this Act mentioned of seed potatoes by the guardians of any union shall be, and be deemed to have been valid and effectual for all purposes.

Interpretation.

5. In this Act—

The expression "the Local Government Board" means the Local Government Board for Ireland; and

The expression "the Board of Works" means the Commissioners of Public Works in Ireland.

Short title.

6. This Act may be cited as the Seed Potatoes and Seed Oats Supply (Ireland) Act, 1908.

CHAPTER 20.

An Act to make further provision with respect to the University of Durham. [1st August 1908.]

WHEREAS it is expedient to reconstitute the University of Durham, and for that purpose to appoint a statutory commission:

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Appointment of commissioners.

1.—(1) There shall be a body of commissioners styled the University of Durham Commissioners, and consisting in the first instance of the following persons; namely,—

His Grace Henry George Percy, Duke of Northumberland, K.G., P.C., D.C.L., F.R.S.;

The Right Reverend Archibald, Lord Bishop of Exeter, D.D., LL.D., sometime Vice-Chancellor of the University of London;

The Right Honourable Henry De Vere Vane, Baron Barnard, D.C.L.;

The Right Honourable Sir Francis Mowatt, G.C.B., P.C., LL.D., sometime Permanent Secretary of His Majesty's Treasury;

Sir William Selby Church, Bart., K.C.B., LL.D., D.C.L., M.D., D.Sc., sometime President of the Royal College of Physicians of London;

John Scott Fox, Esquire, K.C., M.A., Chancellor of the County Palatine of Durham;

The Rev. John Richard Magrath, D.D., Provost of Queen's College, Oxford, sometime Vice-Chancellor of the University of Oxford;

Joseph Larmor, Esquire, LL.D., D.C.L., D.Sc., M.A., F.R.S., Lucasian Professor of Mathematics in the University of Cambridge;

and it shall be lawful for His Majesty to appoint a secretary to the commissioners.

(2) If and whenever any vacancy occurs among the commissioners, it shall be lawful for His Majesty the King to appoint a person to fill the vacancy; but the name of every person so appointed shall be laid before both Houses of Parliament within ten days after the appointment if Parliament is then sitting, or, if not, then within ten days after the next sitting of Parliament.

(3) The commissioners may appoint or employ such persons as they may think necessary for the execution of their duties under this Act, and may remove any person so appointed or employed.

Duration and proceedings of commissioners.

2.—(1) The powers of the commissioners shall continue until the end of the year one thousand nine hundred and nine, and no longer; but it shall be lawful for His Majesty the King, from time to time, with the advice of His Privy Council, on the application of the commissioners, to continue the powers of the commissioners for such time as His Majesty thinks fit, but not beyond the end of the year one thousand nine hundred and eleven.

(2) The commissioner first named in this Act shall be the chairman of the commissioners; and, in case of his ceasing from any cause to be a commissioner, or of his absence from any meeting, the commissioners present at each meeting shall choose a chairman.

(3) The powers of the commissioners may be exercised at a meeting at which three or more commissioners are present.

(4) In case of an equality of votes on a question at a meeting, the chairman of the meeting shall have a second or casting vote in respect of that question.

(5) The commissioners shall have a common seal, which shall be judicially noticed.

(6) Any act of the commissioners shall not be invalid by reason only of any vacancy in their body; but, if at any time, and as long as, the number of persons acting as commissioners is less than five, the commissioners shall discontinue the exercise of their powers.

Powers and duties of commissioners.

3.—(1) The commissioners shall make statutes regulating the constitution of the University of Durham and the powers and duties of its various authorities and constituent bodies and the disposition of its existing property in general accordance with the scheme scheduled as an appendix to this Act, but subject to any modifications of detail which may appear to them expedient after considering any representations made to them by or on behalf of any body or person directly affected, or by or on behalf of any college or institution giving university or higher education established within the counties of Northumberland, Durham, Cumberland, and Westmorland, or by or on behalf of any public education authority within the same counties.

(2) The commissioners shall take such steps as are in their opinion best adapted for facilitating the making of such representations before any such statutes are framed, provided that no costs incurred in making any such representations shall be chargeable to the University.

(3) The commissioners shall make statutes regulating the conditions upon which colleges other than those at present connected with the University may become affiliated to it and regulating the procedure by which a college may become so affiliated, and shall provide in such statutes that any college within the counties of Northumberland, Durham, Cumberland, and Westmorland the application of which for affiliation to the University may have been refused, may appeal to His Majesty in Council, and that upon such appeal His Majesty in Council shall have power to decide whether such application ought or ought not to be granted, and if His Majesty in Council shall decide that such application ought to be granted, then such college shall become affiliated to the University, and shall be entitled to appoint so many representatives on senate as His Majesty in council may determine.

(4) The commissioners shall make statutes providing that the technical college of the borough of Sunderland, as soon as it shall have satisfied such conditions as may before the passing of this Act have been specified by senate of the University as necessary to its being affiliated to the University in the faculty of science, shall thereupon become affiliated to the University in that faculty, and shall be entitled to appoint so many representatives upon senate as the commissioners may determine.

The letter addressed by senate of the University to the corporation of Sunderland under date the eighteenth day of June nineteen hundred and seven, which is scheduled in an appendix to this Act, shall be construed as embodying the conditions above referred to.

(5) Statutes made under this Act shall have effect notwithstanding anything in any Act of Parliament, charter, Order in Council, statute of the Chapter of Durham, deed, or other instrument.

Approval of statutes.

4.—(1) When any statute has been made by the commissioners, a notice of its having been made, and of the place where copies of it can be obtained, shall be published in the London Gazette, and the statute shall be laid as soon as may be before both Houses of Parliament, and shall not be valid until it has been approved by His Majesty the King in Council.

(2) If either House of Parliament, within forty days, exclusive of any period of prorogation, after a statute has been laid before it containing any provision not already contained in Schedule I. of this Act, presents an address praying the King to withhold His assent from the statute or any part thereof, no further proceedings shall be taken on the statute or on the part thereof to which the address relates, but this provision shall be without prejudice to the making of a new statute.

(3) Any authority of the University of Durham as now existing, or any college in the University, or any other person or body directly affected by any such statute, may, within three months after the notification thereof in the London Gazette, petition His Majesty in Council to withhold his approval of the whole or any part thereof.

(4) His Majesty in Council may refer any such petition to a committee of the Privy Council, with a direction that the committee hear the petitioner personally or by counsel, and report specially to His Majesty in Council on the matter of the petition.

(5) Thereupon it shall be lawful for His Majesty, by Order in Council, either to declare his approval of the statute in whole or in part, or to signify his disapproval thereof in whole or in part, but any such disapproval shall be without prejudice to the making of a new statute.

(6) The costs of any petition under this section may be regulated by the committee to which the petition is referred. No costs incurred under this section shall be chargeable to the University.

Power to commissioners to take evidence and to make recommendations.

5. The commissioners shall take evidence upon any of the matters hereby directed to be dealt with by them; and may, if they think fit, from time to time make a report or reports to His Majesty containing any recommendations which in their opinion ought to be made for the purpose of better enabling them to carry out any of the powers hereby entrusted to them.

Power to amend statutes.

6. After the expiration of the powers of the commissioners, Senate of the University shall have power to make statutes for altering or supplementing any of the statutes made by the commissioners as far as they affect the Chancellor, Senate or Convocation of the University or any advisory board thereof or any matter at the time under his or their authority and in particular for providing for the representation on Senate of any college which may hereafter become affiliated to the University; and the authority established under this Act for the government of

the Durham division of the University shall have power to make statutes for altering or supplementing any of the statutes made by the Commissioners as far as they shall at the time affect the Durham division alone: Provided as follows:—

(1) A statute made under this section shall be subject to the provisions of the foregoing sections, with the substitution only of Senate or of the authority aforesaid, as the case may be, for the commissioners:

(2) Before any statute (save any affecting the Durham division alone) is made under this section the draft thereof shall be communicated to Convocation, whose opinion thereon, if returned to Senate within two months, shall be taken into consideration. In computing this period of two months any part of the months of July, August, and September, shall not be counted:

(3) No statute made under this section shall alter the equality of representation in Senate of the Durham and the Newcastle divisions of the University, or alter any statutory provision made in direct pursuance of anything contained in Schedule I. of this Act as far as it may have particular reference to property or finance; or to the faculty of theology, or to religious instruction.

Provisos.

7. Nothing in this Act shall affect the mode of appointment to any canonry of the Cathedral Church of Durham.

Nothing in this Act shall affect the memorandum or articles of association of the University of Durham College of Medicine, Newcastle-upon-Tyne, or the memorandum and articles of association of Armstrong College, Newcastle-upon-Tyne, or any rights or privileges secured to either of the said colleges thereby.

Short title.

8. This Act may be cited as the University of Durham Act, 1908.

SCHEDULES.

SCHEDULE I.

Sections 3, 4, and 6.

I.

Visitor.

The Lord Bishop of Durham shall be the visitor of the University, and shall exercise in that capacity such general powers as are usually exercised by the visitor of a university as well as such particular powers as are hereby conveyed to him.

II.

Chancellor.

1. There shall henceforth be a chancellor, who shall be the head and chief officer of the University. The Very Reverend George William Kitchin, D.D., Dean of Durham, shall be the first chancellor. Succeeding chancellors shall be appointed by convocation on the nomination of Senate.

2. From the time at which the said Very Reverend George William Kitchin shall become chancellor, or a chancellor shall be appointed, the office of warden of the University shall cease, and the name of chancellor shall thenceforth take the place of the name of warden in the name of the University.

3. The chancellor, if present, shall preside over all meetings of Senate and of Convocation.

4. Senate as herein constituted shall provide for the performance of the chancellor's duties in his absence.

III.

Governors.

The office and powers of the dean and chapter of Durham as governors of the University shall cease as soon as this scheme comes into operation.

IV.

Senate.

Senate shall henceforth be constituted as follows :—

The chancellor ;

Six persons appointed from time to time by the Crown ;

The dean and the several members of the chapter of the cathedral church of Durham, and so many other persons appointed from time to time by the council of the Durham colleges as herein-after constituted as may at any time be required to raise the total number under this sub-clause to six. A time limit of not more than four years to be inserted in all appointments to Senate mentioned after this point ;

Six persons appointed from time to time by such professors, tutors, and lecturers of the Durham division of the University as are not members of the aforesaid Chapter ;

Four persons appointed from time to time by the University of Durham College of Medicine, Newcastle-upon-Tyne ;

Four persons apppointed from time to time by the council of Armstrong College, Newcastle-upon-Tyne ;

Four persons appointed from time to time by the professors of Armstrong College, Newcastle-upon-Tyne ;

Eight persons appointed by Convocation, of whom four shall be graduates and past students of the Durham division of the University, and four shall be graduates and past students of the Newcastle division, two of these being past students of Armstrong College and two of the College of Medicine ;

being thirty-nine persons in all :

Provided that if at any time the constitution of the aforesaid college of medicine be so amended that its governing body shall consist wholly or partially of persons other than practitioners of medicine or surgery or teachers engaged in teaching in the college, then two of the four persons to be appointed by the college as aforesaid shall be appointed by the governing body and the other two by the principal academic board or other such academic authority existing in the college :

And provided that if at any time the said college of medicine and Armstrong College should unite to form a single institution, then the council or other principal managing authority of the united institution shall appoint six members of Senate and the professors of the united institution other six, of whom two at least shall be professors in the faculty of medicine.

V.

Powers and duties of Senate.

1. Senate shall determine the time, place, and procedure of its meetings.

2. Senate shall have entire control of the real and personal property of which the University shall be or become possessed after the coming into operation of the scheme established under this Act. It shall prescribe the form and custody of the common seal of the University and shall be empowered to order the affixing thereof in respect of any matters within the scope of its powers.

3. Senate shall keep the matricula of all persons entering the University, whether in the Durham or in the Newcastle division, and shall receive all fees paid to the University for matriculation, for examination, for admission to degrees, titles, and other University distinctions, or for any other University privilege.

4. Subject to anything herein contained, Senate shall be empowered to make regulations prescribing amongst other things the conditions whether of study, examination, or otherwise, upon which candidates may be admitted to the various degrees, titles, and other University distinctions conferred by the University, provided always that religious knowledge shall continue to be a subject in the arts course; the time, place, and manner of holding University examinations; the conditions qualifying for matriculation in the University; the fees to be paid for matriculation, for examination, for admission to degrees, titles, and other distinctions, and for any other University privileges; the conditions under which fellowships, scholarships, and other prizes and emoluments may be held of the University; and the conditions under which colleges may in future be affiliated to the University. Subject to anything herein contained, Senate shall be empowered from time to time to amend, extend, or abrogate any regulation, either now existing or hereafter to be made by Senate.

5. Senate shall have the power of proposing persons to Convocation for admission to degrees.

6. Senate shall be empowered to accept and administer, as trustee, endowments for the purpose of fellowships, scholarships, exhibitions, and prizes; for the establishment of professorships, lectureships, or readerships, whether to be exercised in one or other division of the University alone or in both jointly; or for the promotion of post-graduate study or research.

7. All examiners in University examinations shall be appointed by or with the authority of Senate, and Senate shall provide their remuneration and prescribe their duties.

8. Senate shall be empowered to prescribe the duties of all officers whom it may appoint and to fix their remuneration and the terms and conditions of their appointments.

9. Senate shall be empowered to undertake the inspection and examination of schools.

10. Senate shall be empowered to prescribe academic costumes for members of the University.

Limitations of powers of Senate.

11. No regulation affecting the faculty of theology shall as far as the said faculty is affected thereby be made, amended, or abrogated, except with the consent of the Lord Bishop of Durham for the time being.

12. Except in the faculty of theology, Senate shall not require or impose any religious test unless in its capacity as trustee of a benefaction to which such a condition had been attached by its founder.

13. Without the consent of the visitor, Senate shall not abrogate the affiliation of any college now affiliated to the University.

14. Senate shall not impose any examination as a test for matriculation upon students proposing to enter the Durham division of the University without the consent of the council of the Durham colleges as herein-after constituted or upon students proposing to enter either of the colleges of the Newcastle division as herein-after defined without the consent of such college.

15. If within seven days of the passing of any resolution of Senate for the making of a regulation of the University as aforesaid or for the amendment, extension, or abrogation of an existing regulation, any twelve members of Senate shall declare their intention of appealing to Convocation against it, then such resolution shall be without effect unless and until it is confirmed by Convocation. In the event of an appeal to Convocation being so demanded, the chancellor shall call a meeting of Convocation within a reasonable limit of time to consider it, and notice of such Convocation shall be sent to every member thereof.

Provisions as regards existing regulations.

16. All existing regulations of the University and all resolutions heretofore passed by Senate shall, as far as they are not contradictory to anything herein provided, remain in force until abrogated or amended by the authority or authorities competent under these provisions to deal with the matters severally concerned: Provided that after the coming of this scheme into operation the word "warden" or "Senate" or the words "warden and Senate" in such regulations and resolutions shall be construed to mean the council of the Durham colleges as herein-after constituted when used in reference to matters authority over which has passed from the former to the latter, and shall be construed to mean Senate when used in other connections.

17. So much of the said regulations as determines the periods of residence or of study in the University or elsewhere required as qualifications for the various degrees, titles, and other distinctions of the University shall not, as far as students of the Durham division are affected thereby, be altered without the consent of the council of the Durham colleges, and, as far as students of either of the colleges of the Newcastle division are affected thereby, shall not be altered without the consent of the college concerned.

VI.

Durham division. Its governing body.

1. The council of the Durham Colleges shall be constituted as follows:—

The dean and the several members of the chapter of the cathedral church of Durham.

The master for the time being of University College.

The principal for the time being of Bishop Hatfield's Hall.

The treasurer for the time being of the Durham division of the University.

The professor for the time being of mathematics in the Durham division of the University.

The professor for the time being of Hebrew in the Durham division of the University.

The professor for the time being of music in the Durham division of the University.

The censor for the time being of unattached students in the Durham division of the University.

Three persons appointed from time to time by such professors, tutors, and lecturers of the Durham division of the University as are not ex officio members of the council for terms not exceeding three years in such manner that the term of one of them at least shall expire each year.

The head for the time being of any hall of residence established in connection with the Durham division of the University and duly licensed as such by the council of the Durham colleges, as long as the number of students residing in such hall shall not be less than twenty-five.

One person to be appointed from time to time by Senate of the University of Durham for a term not exceeding three years.

Three graduates being past students of the Durham division of the University to be appointed from time to time by Convocation of the University of Durham for a term not exceeding three years.

2. Every member of the council appointed as aforesaid for a fixed term shall be eligible for re-appointment on the expiry of the term.

3. The said council shall be a body politic and corporate under the name of the council of the Durham colleges and by that name shall have perpetual succession and a common seal with power without any further licence in mortmain to take, purchase, and hold, and also to sell, grant, exchange, demise, or otherwise dispose of, real and personal property, and to act under its seal in all matters within the scope of its powers.

4. There shall be a warden, who shall be elected from time to time by the council from amongst its own members. He shall hold office for such period and shall exercise such powers and discharge such duties as shall from time to time be prescribed by the council.

The warden shall, if present, preside over all meetings of the council.

Durham property.

5. The entire property both real and personal now vested in the warden, masters, and scholars of the University of Durham, including the university library, observatory, and museum, as well as Bishop Hatfield's Hall and the interest possessed by the said warden, masters, and scholars in Durham castle, shall be transferred from the said warden, masters, and scholars to the council of the Durham colleges, who shall henceforth hold the said property in trust for the purpose, amongst other things, of carrying on University education in Durham, of maintaining University College and Bishop Hatfield's Hall as residential colleges, of maintaining the aforesaid library and observatory, of establishing and maintaining fellowships, scholarships, exhibitions, bursaries, and prizes, of promoting research, of holding, should it see fit, "extension" classes, and of doing such other things of an allied nature as are generally done by university colleges:

Provided always that in the carrying out of all the above purposes due regard shall be had to the original purpose of the endowment and to its connection with the cathedral church of Durham.

Continuance of present grants from income thereof.

And provided always that out of the income arising from the said property the said council shall annually pay to Armstrong College, Newcastle-upon-Tyne, the sum of one thousand two hundred and sixty pounds and such further portion of the said income as arises from a sum of four

thousand and twenty-nine pounds six shillings and ninepence at present invested in London and North Western Railway three per cent. debenture stock and charged with the payment of a grant to the said college; and shall annually pay to the University of Durham College of Medicine, Newcastle-upon-Tyne, such portion of the said income as arises from a sum of three thousand eight hundred and eighty-three pounds at present invested in the same stock as above-named and charged with the payment of a grant to the said college; the moneys so paid to be used for the lawful purposes of the said colleges respectively as they may deem fit.

Powers and duties of the council.

6. The said council shall be the governing body of the Durham division of the University, and the duty of providing for the teaching, residence, maintenance, and discipline of students in Durham, heretofore exercised by the warden and Senate of the University, shall henceforth belong to the council of the Durham Colleges. The said council shall exercise such powers and enjoy such privileges in the University as are herein specified, or may hereafter be granted to it by Senate or by Convocation in the exercise of any of its powers as herein contained.

7. All trusts for fellowships, scholarships, and prizes now vested in the University of Durham shall henceforth be vested in the council of the Durham colleges:

Provided that in the interpretation of any trust deed applying to any of such fellowships, scholarships, and prizes the words "University of Durham," or any words of similar effect, where used for the purpose of defining the persons who may be beneficiaries of the trust, shall be construed, unless any contrary intention appears, as applying to the Durham division of the University only.

Canonical chairs.

8. The two canonries of Durham hitherto annexed to professorships of divinity and of Greek in the University of Durham shall remain so annexed. Appointments to these professorships shall be made, as now, by the Lord Bishop of Durham.

Academic offices.

9. The terms and conditions on which the existing professors of divinity, Greek, mathematics, Hebrew, and music in the University hold their appointments shall not be altered without their respective consent.

10. The council of the Durham colleges shall be empowered to prescribe the duties of all professors who may be appointed hereafter to these chairs, and to determine their remuneration except as far as it is determined by particular endowment, as well as to prescribe the duties and determine the remuneration of any other professor, tutor, lecturer, or other officer appointed by the said council:

Provided that no canonical professor shall be thereby debarred from performing the ecclesiastical duties of his canonry.

11. There shall be a master of University College. The Reverend Henry Gee, D.D., at present master of University College, shall so remain, and the terms and conditions on which he holds his office shall not be changed without his consent.

12. There shall be a principal of Bishop Hatfield's Hall. Frank Byron Jevons, D.Litt., at present principal of Bishop Hatfield's Hall, shall so remain, and the terms and conditions on which he holds his office shall not be changed without his consent.

13. Appointment to all other offices in connection with University College or Bishop Hatfield's Hall shall be made by the master for the time being of University College or the principal for the time being of Bishop Hatfield's Hall as the case may be.

14. Every person who at the present time is a tutor or lecturer or other officer by appointment of and under the authority of the University of Durham, shall continue to hold the same office as by appointment of and under the authority of the council of the Durham colleges, and the terms and conditions on which he holds it shall not be changed without his consent.

15. So much of the University as is hereby placed under the control of the council of the Durham colleges shall be the Durham division of the University.

VII.

Newcastle division.

The Newcastle division of the University shall consist of the University of Durham College of Medicine, Newcastle-upon-Tyne, and Armstrong College, Newcastle-upon-Tyne, which shall severally or jointly exercise such powers and enjoy such privileges in the University as are herein specified or may hereafter be granted to them by Senate or by Convocation in the exercise of any of its powers as herein contained:

Provided that if at any time the said two colleges should unite to form a single institution, the powers until then exercised and the privileges until then enjoyed by the two institutions separately in virtue of this Act shall thenceforth jointly reside in the single institution.

VIII.

Professors.

1. Professors of the University shall be—

All existing professors of the University, as long as they shall continue to occupy their chairs.

All professors who may hereafter be appointed to the two chairs to which canonries are annexed as aforesaid as long as they shall continue to hold the said chairs.

All persons who may hereafter be appointed by Senate to professorships in pursuance of the sixth clause of Article V. hereof as long as they shall continue to hold such professorships.

2. Professors in the University shall be—

All persons appointed to be professors by the council of the Durham colleges or by the College of Medicine or by Armstrong College during their continuance in office.

IX.

Academic boards.

There shall be a board of faculties of the University and boards of the several faculties, each of which boards shall have in general such constitution, duties, and powers as the boards now established by regulations of Senate, saving only such powers as the said boards or their officers now possess of requiring, under certain circumstances, a postponement of part of the business of Senate.

X.

Provision for freedom of teaching.

1. The Council of the Durham colleges, the College of Medicine and Armstrong College, and any college affiliated in pursuance of this Act, shall severally have the right of proposing for the consideration of Senate curricula of University study and schemes of University examinations based upon them, to be prescribed, if approved by Senate, as qualifications for initial degrees applicable to their own students respectively.

2. It shall not be required of Senate that the curricula or schemes of examination prescribed by it for any degree shall be the same for all parts of the University.

3. The privilege of appending the words "in litteris antiquis" to the title of their degree shall be open only to those graduates in arts who have pursued in the Durham division of the University a curriculum which has included both Latin and Greek.

XI.

Indemnity to Durham.

1. Senate shall annually pay to the council of the Durham colleges the sum of eight hundred and eighty pounds as an indemnity equivalent to the portion of the University's receipts from degree, examination, and Convocation fees that has hitherto been applicable to purposes now to be transferred to the said council.

Continuance of grant from fees to the college of medicine.

2. Senate shall annually pay to the college of medicine the sum of four hundred pounds in lieu of the grants amounting in all to four hundred pounds hitherto paid to the said college out of the University's receipts from degree fees.

Compensation to Durham.

3. Senate shall annually pay to the council of the Durham colleges the further sum of two hundred pounds as compensation equivalent to the value for the furtherance of purposes now to be transferred to the said council of the right of appointment to certain University offices to be retained by Senate, and after the treasurer of the University shall have ceased to be treasurer of the Durham division also, then an additional sum of one hundred pounds, making three hundred pounds in all.

Medical scholarship.

4. Senate shall, as now, annually devote one hundred pounds to the maintenance of a scholarship or scholarships in connection with the college of medicine.

Charges on Senate.

5. Senate shall defray the cost of holding all University examinations including the remuneration of the examiners.

6. Senate shall defray the cost of carrying out all its duties as herein prescribed as well as those of the boards of faculty and of Convocation.

Differentiation of income.

7. Senate shall distinguish between such portion of its income (herein-after called internal income) as arises from fees paid by students of the University and such portion of its income (herein-after called external income) as may arise from other sources.

8. Payments made in pursuance of clauses 3 and 4 of this article shall be made out of external income if and so far as Senate is in possession of such income.

Claim for deficit.

9. If in any year the internal income received from the Durham division or from the College of Medicine or from Armstrong College shall not suffice to cover the cost of examining its students as well as its proper share as herein-after defined of the payments made by Senate in pursuance of clause 6 of this article, and of the payments made in pursuance of clauses 3 and 4 also, as far as they are not met out of external income, then the council of the Durham colleges or the College of Medicine or Armstrong College as the case may be, shall make good the deficiency to Senate, and until this is done Senate shall be relieved of any obligation to examine students of the institution in question or to propose their admission to degrees.

10. For the purposes of this article "students" shall include past as well as present students, and any person examined in the faculty of medicine shall be deemed to be a student of the college of medicine.

11. The annual residue of the internal income of Senate, after the payment of the charges accruing in pursuance of clauses 1, 2, 5, and 6 of this article and of such part of the charges accruing in pursuance of clauses 3 and 4 as cannot be met out of external income, shall be apportioned amongst and paid to the council of the Durham colleges, the College of Medicine, and Armstrong College respectively, in such manner that each of these institutions shall receive from Senate as nearly as may be the amount of internal income received from its students by Senate less the costs incurred by Senate in the examination of its students and its proper share as herein-after defined of the payments made by Senate in pursuance of clause 6 of this article and of the payments made in pursuance of clauses 3 and 4 as far as they are not made out of external income. Disposal of surplus income.

The payment to the council of the Durham colleges of the sum of eight hundred and eighty pounds in pursuance of clause 1 of this article shall be deemed to be a payment to the said council on account of internal income received from students of the Durham division and the payment to the College of Medicine of four hundred pounds in pursuance of clause 2 shall be deemed to be a payment to the said college on account of internal income received from students thereof.

12. For the purposes of the foregoing clauses the term "proper share" shall in all cases be construed to mean one-third.

13. The annual residue, if any, of the external income of Senate, save any portion of it that may be subject to the provisions of particular trusts, shall be devoted to the support of teaching and research in the two divisions of the University, for which purpose it shall be apportioned amongst and paid to the council of the Durham colleges, the College of Medicine, and Armstrong College respectively, in such manner and at such times as statutes shall direct.

14. Senate shall annually cause to be audited and published all the University accounts.

XII.

Convocation.

1. Convocation shall be constituted as heretofore.

2. The time, place, and procedure of meetings of Convocation and the manner of summoning its meetings shall be determined by the chancellor. Provided that at least one meeting of Convocation shall be held in each term.

3. The conferring of degrees in the University, shall be, as heretofore, by vote of Convocation upon proposals by Senate. Ad eundem degrees shall no longer be granted, but Senate may propose members of the teaching staff in the Durham division of the University, and Armstrong College or at the College of Medicine or at colleges hereafter affiliated, for degrees without examination. Honorary degrees, the holders of which shall not have a vote in Convocation, may be conferred as heretofore on distinguished persons.

4. Convocation shall be empowered to consider and make representations to Senate or to the chancellor upon any matter affecting the interests or concerns of the University.

5. No change shall be made in the constitution of the University as settled or as subsequently modified under the provisions of this Act unless Convocation has been consulted as to the proposed change and allowed a reasonable time to express an opinion upon it.

6. No resolution of Senate for the establishment of a new faculty, degree, title, diploma, or other University distinction shall be of effect unless the proposal for the establishment of such new faculty, degree,

title, diploma, or distinction shall have been submitted to Convocation and Convocation shall have been allowed a reasonable opportunity of expressing an opinion upon it.

7. Upon appeal made in pursuance of clause fifteen of Article V. of this schedule, Convocation may veto any resolution of Senate affecting the regulations of the University.

8. The Chancellor shall be empowered to summon meetings of particular faculties at his discretion. He shall summon a meeting of a faculty within a reasonable period after the receipt by him of a written request so to do from any thirty members of the faculty. The time and place of all such meetings and the mode of procedure thereat shall be determined by the chancellor.

9. A faculty in meeting assembled shall be empowered to consider and make representations to Senate or to Convocation or to both upon any matter affecting the interests or concerns of the faculty.

XIII.

Treasurer.

1. Frederick William Ritson, M.A., at present treasurer of the University, shall remain treasurer of the University and of the Durham division subject to such terms and conditions as now govern his office, and provided that the said terms and conditions may at any time be altered by joint consent of the treasurer and of Senate or by joint consent of the treasurer and the council of the Durham colleges as the case may be. Subject to any alteration made as above provided, one hundred pounds of the salary of the said Frederick William Ritson shall be paid by Senate and the remainder by the council of the Durham colleges.

2. Senate shall provide for the custody of the property and moneys of the University and the council of the Durham colleges for the custody of the property and moneys of the Durham division after the said Frederick William Ritson has ceased to be treasurer.

XIV.

Registrar and registry.

1. There shall be a Registrar of the University.

2. Walter Kercheval Hilton, M.A., at present registrar of the University, shall remain registrar subject to such terms and conditions as now govern his office and provided that the said terms and conditions may at any time be altered by joint consent of the registrar and of Senate. Subsequent registrars shall be appointed by Senate, who shall prescribe the terms, conditions, and tenure of their office.

3. The office of the registrar shall be in the city of Durham.

Section 3.

SCHEDULE II.

The LETTER from SENATE of the UNIVERSITY of DURHAM to the CORPORATION of SUNDERLAND, under date the eighteenth of June nineteen hundred and seven, referred to in section three (4) of this Act.

University of Durham,
June 18th, 1907.

GENTLEMEN,

IN reference to your application of the 18th ult. for the affiliation of the Sunderland Technical College to the University of Durham, I am desired by Senate to inform you that the Committee appointed to consider

the application, and to inspect the buildings and equipment of the college in connection with it, have reported to Senate, and that Senate has adopted the conclusions of the report, which are in the following terms :—

"The committee are of opinion that there is ample opportunity for the development of University teaching in Sunderland, and a prospect of it actually taking place in a near future, and that the technical college is well adapted to serve as a nucleus. At present, however, the college is not in a position to undertake the curriculum the University requires in pure science, as it offers no teaching in geology, zoology, or botany. The Committee is of opinion that the college would be competent to undertake the University curriculum in engineering and electrical engineering if the following extension of its present resources could be provided :—

"A more extensive physical laboratory, more fully provided for the teaching of branches of physics other than electricity.

"A separate lecturer at the head of the department of electrical engineering, who should by preference be a practising electrical engineer.

"An extension of the laboratory accommodation and appliances for teaching electrical engineering.

"A more adequate engineering laboratory, provided with the necessary steam machinery."

I am further desired to inform you that it will give Senate sincere pleasure to hear further from you upon the matter, should you see your way to extend the resources of the college to meet the requirements which the University regards as essential for University teaching in engineering and electrical engineering ; or further so to extend the scope of the education carried on in your college as to cover the University curriculum in pure science, or in any of the other branches of applied science recognised by the University as qualifying for degrees.

Faithfully yours,
(Signed) W. K. HILTON,
(Registrar).

CHAPTER 21.

An Act to amend the Law relating to the time for an Appeal from the Decision of a Revising Barrister, and matters consequential thereon. [1st August 1908.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Alteration of time for notice of appeal from revising barrister's decision. 6 & 7 Vict. c. 18.

1.—(1) Any person intending to prosecute an appeal under the Parliamentary Voters Registration Act, 1843, from or in respect of the decision of a revising barrister shall, on or before the twenty-sixth day of October next after the conclusion of the revision, transmit to the Master in the Crown Office the statement made by the revising barrister in pursuance of that Act, and also deliver or send by post a notice signed by him to the

respondent in the appeal, stating his intention to prosecute the appeal.

Arrangements shall be made for hearing any such appeals without delay, and, as far as possible, continuously.

(2) Any such statement made by the revising barrister for the purpose of any such appeal may be made at any time within ten days after the conclusion of the revision, and the statement need not be read in open court, but shall be submitted to the appellant, who, if he approves the same, shall sign the same as directed by section forty-two of the said Act, and return the same to the revising barrister.

Repeal and short title.

2.—(1) The enactments mentioned in the Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

Any reference in the Parliamentary Voters Registration Act, 1843, or any other Act, to the notice, time, or mode of appeal under any enactment so repealed shall be construed as a reference to the notice, time, or mode of appeal under this Act.

(2) This Act may be cited as the Registration Act, 1908, and shall be construed as one with the Registration of Electors Acts, 1843 to 1891, and the Acts amending the same.

SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
6 & 7 Vict. c. 18.	The Parliamentary Voters Registration Act, 1843.	Sections sixty-two and sixty-three.
51 & 52 Vict. c. 10.	The County Electors Act, 1888.	Subsection (2) of section six.

CHAPTER 22.

An Act to amend section one of the Evicted Tenants (Ireland) Act, 1907, with respect to the compulsory acquisition of tenanted land. [1st August 1908.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Amendment of 7 Edw. 7. c. 56. s. 1. as to tenanted land.

1. The proviso at the end of subsection (3) of section one of the Evicted Tenants (Ireland) Act, 1907, shall not apply in any case where the tenant consents in writing to the compulsory

acquisition of the land by the Estates Commissioners: Provided that the tenant shall sign such consent in the presence of two witnesses present at the same time, who shall attach their names thereto, and, when so signed and witnessed, that the said consent shall be filed as a record in the office of the Land Commission.

Construction. 7 Edw. 7. c. 56.

2. This Act shall be construed as one with the Evicted Tenants (Ireland) Act, 1907, and the said Act of 1907 shall be construed and take effect from the date of its passing as if this Act had then formed part thereof.

Citation.

3. This Act may be cited as the Evicted Tenants (Ireland) Act, 1908, and may be cited with the Evicted Tenants (Ireland) Act, 1907, as the Evicted Tenants (Ireland) Acts, 1907 and 1908.

CHAPTER 23.

An Act to grant Money for the purpose of certain Local Loans out of the Local Loans Fund, and for other purposes relating to Local Loans. [1st August 1908.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Grants for public works.

1.—(1) For the purpose of local loans there may be issued by the National Debt Commissioners the following sums, namely:—

(*a*) For the purpose of loans by the Public Works Loan Commissioners any sum or sums not exceeding in the whole the sum of three million pounds;

(*b*) For the purpose of loans by the Commissioners of Public Works in Ireland any sum or sums not exceeding in the whole the sum of seven hundred thousand pounds.

(2) The sums so issued shall be issued during a period ending on the day on which a further Act granting money for the purposes of those loans comes into operation and in accordance with the provisions of the National Debt and Local Loans Act, 1887. 50 & 51 Vict. c. 16.

Certain debts not to be reckoned as assets of local loans fund.

2. Whereas it is expedient that the principal of the several local loans specified in the Schedule to this Act should, to the extent specified in the last column of that Schedule, not be reckoned as assets of the local loans fund established under the National Debt and Local Loans Act, 1887; therefore, the principal of the said loans shall to that extent be written off from the assets of the local loans fund, and the provisions of section fifteen of the said Act shall, so far as applicable, apply thereto.

Remission of claims against the Sligo, Leitrim, and Northern Counties Railway.

3. Whereas the Commissioners of Public Works in Ireland, in the years eighteen hundred and seventy-nine and eighteen hundred and eighty, made advances amounting in all to the sum of ninety-nine thousand six hundred and twenty-five pounds to the Sligo, Leitrim, and Northern Counties Railway Company by way of mortgage, and such advances were repayable by instalments with interest at the rate of five per cent. per annum:

And whereas the said principal sum of ninety-nine thousand six hundred and twenty-five pounds has been repaid:

And whereas the receipts of the railway proved insufficient to meet the interest and arrears of interest, amounting to thirty-two thousand nine hundred and nine pounds and twopence accrued due up to the fifth day of July eighteen hundred and ninety-seven, and are unpaid:

Therefore the said arrears of interest remaining unpaid, and amounting to thirty-two thousand nine hundred and nine pounds and twopence, shall be remitted, and shall be deemed to be a free grant by Parliament.

Remission of claims against the Limavady and Dungiven Railway. 1 & 2 Will. 4. c. 33. 40 & 41 Vict. c. 27.

4. Whereas the Commissioners of Public Works in Ireland advanced under the Public Works (Ireland) Act, 1831, and the Public Works Loans (Ireland) Act, 1877, to the Limavady and Dungiven Railway Company in the year eighteen hundred and eighty-three the sum of nineteen thousand six hundred and one pounds for the purpose of aiding in the construction of a railway between Limavady and Dungiven, in the county of Londonderry:

And whereas by the Midland Railway Act, 1907, an agreement for sale of the said railway to the Midland Railway Company, freed and discharged from all incumbrances, liabilities, contracts, debts, and engagements of the Limavady and Dungiven Railway Company, for the sum of two thousand pounds was confirmed, and the said purchase money has since been paid:

And whereas the principal sum of seventeen thousand six hundred and one pounds, being the balance of the said sum of nineteen thousand six hundred and one pounds, with arrears of interest amounting to twelve thousand two hundred and thirty-two pounds three shillings and one penny, now remains unpaid:

Therefore the balance of the said debt, amounting to seventeen thousand six hundred and one pounds, shall be extinguished, and the said arrears of interest, amounting to twelve thousand two hundred and thirty-two pounds three shillings and one penny, shall be remitted, and the said balance of principal and arrears of interest shall be deemed to be a free grant by Parliament.

Remission of claims against the Fishguard and Rosslare

5. Whereas the Commissioners of Public Works in Ireland advanced under the Public Works (Ireland) Act, 1831, and the Public Works Loans (Ireland) Act, 1877, to the Waterford and

Wexford Railway Company, now the Fishguard and Rosslare Railways and Harbours Company, in the year eighteen hundred and eighty, the sum of fifty-three thousand pounds for the purpose of aiding in the construction of a railway between the town of Wexford and Rosslare Pier, both situate in the county of Wexford: Railways and Harbours Company.

And whereas under the provisions of the Fishguard and Rosslare Railways and Harbours Act, 1894, the Fishguard and Rosslare Railways and Harbours Company, by payment of the sum of ten thousand pounds in the year nineteen hundred and seven, redeemed their liability under the said Act in respect of the incumbrancers' moiety of the surplus receipts arising from the Wexford Railway undertaking in the said Act defined:

And whereas the proportion of the said sum of ten thousand pounds to which the said Commissioners were entitled was the sum of seven thousand nine hundred and forty-six pounds and sixpence, and the same sum was in the year nineteen hundred and seven paid by the said company to the said Commissioners:

And whereas the principal sum of forty-five thousand and fifty-three pounds nineteen shillings and sixpence, being the balance of the said sum of fifty-three thousand pounds, with arrears of interest amounting to thirteen thousand nine hundred and eighty pounds seventeen shillings and fourpence, now remains unpaid:

And whereas by the Public Works Loans (No. 2) Act, 1893, the principal sum of thirty-eight thousand pounds, part of the said sum of fifty-three thousand pounds, was written off from the account of assets of the local loans fund: 56 & 57 Vict. c. 40.

Therefore the balance of the said principal debt, amounting to seven thousand and fifty-three pounds nineteen shillings and sixpence, and the said principal sum of thirty-eight thousand pounds shall be extinguished, and the said arrears of interest, amounting to thirteen thousand nine hundred and eighty pounds seventeen shillings and fourpence shall be remitted, and the said balance of principal, the said principal sum, and the said arrears of interest shall be deemed to be a free grant by Parliament.

6.—(1) The Public Works Loan Commissioners may, in manner provided by the Public Works Loans Act, 1875, as amended by any subsequent enactment, lend any money which may be borrowed for the acquisition of land, or the purchase, erection, construction, alteration, or enlargement of any building or permanent work by a county association formed under the Territorial and Reserve Forces Act, 1907, in pursuance of regulations made by the Army Council under section four, subsection (1) (c), of that Act, and may so lend on the security on which the county association is similarly authorised to borrow. Addition to purposes for which Public Works Loan Commissioners may lend. 38 & 39 Vict. c. 89. 7 Edw. 7. c. 9

(2) Every loan by the Public Works Loan Commissioners under this section shall be repaid within a period not exceeding

60 & 61 Vict. c. 51

fifty years, and shall bear interest at such rate as may be prescribed for the time being by a minute of the Treasury under section one of the Public Works Loans Act, 1897, for loans on the security of local rates.

Short title.

7. This Act may be cited as the Public Works Loans Act, 1908.

Section 2.

SCHEDULE.

LOANS BY THE COMMISSIONERS OF PUBLIC WORKS, IRELAND.

(1) *Loan under the Drainage Maintenance Act*, 1866 (29 & 30 *Vict. c.* 49).

Name of Proprietor.	Amount of Loan.	Amount to be written off.
Michael Reilly, late of Drumlish, co. Longford.	£ s. d. 0 13 6	£ s. d. 0 10 9

(2) *Loans under the Drainage and Improvement of Lands (Ireland) Act*, 1863 (26 & 27 *Vict. c.* 88).

Name of Proprietor.	Amount of Loan.	Amount to be written off.
Major Phineas Bury, Kylevarragh South, Adare, County Limerick.	£ s. d. 227 16 10	£ s. d. 222 15 2
Miss Isabel K. O'Dell, Cappagh, County Limerick.	145 17 2	35 1 0

(3) *Loans under the Landed Property Improvement (Ireland) Act*, 184 (10 *Vict. c.* 32).

Name of Borrower.	Amount of Loan.	Amount to be written off.
Wm. Ryan, Parkroe, Cappawhite, County Tipperary.	£ 100	£ s. d. 16 8 5
Sundry items - - - -	—	3 12 5

(4) *Loan under the Landlord and Tenant (Ireland) Act*, 1870 (33 & 34 *Vict. c.* 46).

Name of Borrower.	Amount of Loan.	Amount to be written off.
	£	£ s. d.
Wm. Ryan, Parkroe, Cappawhite, County Tipperary.	266	22 16 3

(5) *Loans under the Land Law (Ireland) Act*, 1881 (44 & 45 *Vict. c.* 49. *s.* 31).

Name of Borrower.	Amount of Loan.	Amount to be written off.
	£	£ s. d.
P. Dunlap Coganla, Westport, County Mayo.	55	13 15 4
William Kells Carnroe, Scottshouse, Clones, County Monaghan.	70	44 12 10
Thomas Carr, Drumatrumman, Kerry-Keel, County Donegal.	50	23 1 5

(6) *Loans under the Public Works (Ireland) Act*, 1831 (1 & 2 *Will.* 4. *c.* 33), *and the Public Works Loans (Ireland) Act*, 1877 (40 & 41 *Vict. c.* 27).

Name of Borrower.	Amount of Loan.	Amount to be written off.
	£	£ s. d.
Waterford and Wexford Railway, now the Fishguard and Rosslare Railways and Harbours Co.	53,000	7,053 19 6
Limavady and Dungiven Railway Co.	19,601	17,601 0 0

CHAPTER 24.

An Act to amend the Law relating to Drunkenness in Ireland, and for purposes connected therewith.

[1st August 1908.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

As to married men when habitual drunkards.

1.—(1) Where a court of summary jurisdiction is satisfied by evidence produced before it that a married man is a habitual

42 & 43 Vict. c. 19.

drunkard, as defined by section three of the Habitual Drunkards Act, 1879, the court may, on the application of any person specified in this section, make an order under this Act protecting—

(*a*) The earnings or separate property of the wife of the drunkard;

(*b*) Anything purchased by her with such earnings or property;

(*c*) The wearing apparel, school requirements, and earnings of her children or step-children;

(*d*) Any tools, instruments, appliances, or materials entrusted to her independently of her husband;

(*e*) Any furniture, bedding, or other articles in use as household necessaries in her residence;

(*f*) Any tools, instruments, appliances, or other articles used in connection with any work, business, or calling engaged in by the wife or her children or step-children independently of her husband.

(2) The persons who may make an application to the court under this section are the wife of the habitual drunkard or his or her parent, child, brother, or sister, or anyone holding the commission of the peace of the borough or county in which the alleged habitual drunkard resides, or the relieving officer of the district in which the alleged habitual drunkard resides.

As to married women when habitual drunkards.

2.—(1) Where a court of summary jurisdiction is satisfied by evidence produced before it that a married woman is a habitual drunkard, as defined by section three of the Habitual Drunkards Act, 1879, the court may, on the application of any person specified in this section, make an order under this Act, protecting—

(*a*) Any furniture, bedding, or other articles in use as household necessaries in the residence of the husband of the drunkard;

(*b*) The wearing apparel, school requirements, and earnings of his children or step-children;

(*c*) Any tools, instruments, appliances, or other articles belonging to him, or entrusted to him independently of his wife.

(2) The persons who may make an application to the court under this section are the husband of the habitual drunkard or his or her parent, child, brother, or sister, or anyone holding the commission of the peace of the borough or county in which the alleged habitual drunkard resides, or the relieving officer of the district in which the alleged habitual drunkard resides.

Power to rescind or vary orders.

3. The court may at any time rescind or vary an order under this Act.

Penalty for illegal seizure or pawning.

4. While an order under this Act is in force it shall not be lawful to seize or sell any article specified therein for the satisfaction or discharge of any debt or liability of the habitual

drunkard, or knowingly to buy from him, or receive from him, or on his behalf, any such article in pledge or pawn, or for him to sell or give in pledge or pawn any such article; and any person knowingly acting in contravention of this enactment shall be liable, on summary conviction, to a fine not exceeding forty shillings, or to imprisonment, with or without hard labour, for any period not exceeding one month.

As to appeal.

5. Any order made under sections one, two, four, or ten of this Act shall be subject to appeal as if it were an order imposing a fine of more than twenty shillings, or inflicting imprisonment of more than one month's duration.

Relief.

6. An order under this Act shall not affect any liability to a board of guardians in respect of relief given to a wife or children.

Penalty.

7. Any person who, being drunk while in charge of any person or animal or vehicle of whatever description and by whatever kind of power it may be driven or propelled, or in the possession of any loaded firearm or of any instrument, tool, or article which unless managed with due care would become a source of danger to the person or persons in whose presence it might be used, carried, or placed, endangers the life or limb of any person, shall be liable, on summary conviction, to a fine not exceeding forty shillings, or to imprisonment, with or without hard labour, for a period not exceeding one month.

Arrest.

8. The owner or manager of any premises may require any constable on duty to arrest and remove from such premises any person in his employment who is found drunk thereon.

Penalty on persons found drunk in charge of children.

9.—(1) Any person found drunk in any place, whether a building or not, to which the public have access, whether on payment or not, or on any licensed premises, while in charge of a child apparently under the age of seven years, may be apprehended, and shall, if the child is under that age, be guilty of an offence under this section, and be liable, on summary conviction, to a fine not exceeding forty shillings, or to imprisonment, with or without hard labour, for any period not exceeding one month.

(2) If the child appears to the court to be under the age of seven, the child shall, for the purpose of this section, be deemed to be under that age unless the contrary is proved.

(3) An offence under this section shall be deemed to be included in the list of offences mentioned in the First Schedule to the Inebriates Act, 1898, and in section sixty of the Licensing Act, 1872.

61 & 62 Vict. c. 60.
35 & 36 Vict. c. 94.

Penalty for aiding and abetting a drunken person.

10. Any person who, being on any premises licensed for the sale of intoxicating liquors, whether for consumption on or off such premises, shall procure, or attempt to procure, any intoxicating liquor for consumption by any drunken person, or who shall aid and abet any drunken person in obtaining or consuming

any intoxicating liquor on, or in the immediate vicinity of, any premises so licensed as aforesaid, shall be liable, on summary conviction, to a fine not exceeding forty shillings, or to imprisonment, with or without hard labour, for any period not exceeding one month:

Provided always that no person shall be liable to be convicted under this section unless the court is satisfied that he knew or ought to have known the condition of the person in connection with whom the charge is brought.

Court to order persons to be of good behaviour.

11. Where a person is convicted of any offence included, or deemed to be included, in the list of offences mentioned in the First Schedule to the Inebriates Act, 1898, the court may, either in addition to or in substitution for any other penalty, order the offender to enter into a recognizance with or without sureties to be of good behaviour.

Witnesses.

12. In all proceedings under this Act a husband or wife shall be a competent witness.

Short title and application of Act.

13. This Act shall apply to Ireland only, and may be cited as the Summary Jurisdiction (Ireland) Act, 1908.

CHAPTER 25.

An Act to extend the Military Lands Acts to Naval Volunteers. [1st August 1908.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Application of Military Lands Acts to naval volunteers.

1. The Military Lands Acts, 1892 to 1903, shall apply in the case of divisions or companies of the Royal Naval Volunteer Reserves as they apply in the case of volunteer corps, and shall have effect as if they were herein re-enacted and in terms made applicable to such divisions and companies, and in particular as if—

(*a*) for references to the Secretary of State there were therein substituted references to the Admiralty;

(*b*) for references to "military" there were therein substituted references to "naval";

(*c*) for references to sections twenty-four and twenty-five of the Volunteer Act, 1863, there were therein substituted references to those sections as applied to the Royal Naval Volunteer Reserves by the regulations made under the Naval Forces Act, 1903, and set forth in the Schedule to this Act, which regulations are hereby confirmed.

26 & 27 Vict. c. 65.

3 Edw. 7. c. 6.

Short title.

2. This Act may be cited as the Naval Lands (Volunteers) Act, 1908.

SCHEDULE.

REGULATIONS APPLYING SECTIONS TWENTY-FOUR AND TWENTY-FIVE OF THE VOLUNTEER ACT, 1863.

The officers and men of a division of the Royal Naval Volunteer Reserve may from time to time make rules for the management of the property, finances, and civil affairs of the division, and may alter and repeal any such rules; but any such rules shall not have effect unless and until they shall be approved by the Admiralty, and upon such approval the same shall be binding on all persons.

A copy of the rules in print or writing, or partly in print and partly in writing, certified under the hand of the commanding officer of the division as a true copy of the rules whereof the Admiralty's approval has been notified as aforesaid, shall be conclusive evidence of the rules of the division.

All moneys subscribed by, or to, or for the use of any division, or of any company in such division, and all effects belonging to such division or company respectively, or lawfully used by it, not being the property of any individual officer, petty officer, or man, or member of the instructional staff, and the exclusive right to sue for and recover money due to the division or to any such company as aforesaid, and all lands acquired by such division or company, shall vest in the commanding officer of the division for the time being and his successors in office, with power to him and his successors to sue, to make contracts and conveyances, and to do all other lawful things relating thereto; and any civil or criminal proceedings taken by virtue of the present section by the commanding officer of a division shall not be discontinued or abated by his death, resignation, or removal from office, but may be carried on by and in the name of his successor in office.

CHAPTER 26.

An Act to authorise, for the purpose of Marriages in the United Kingdom, the Publication of Banns and the Issue of Certificates on board His Majesty's Ships in certain cases. [1st August 1908.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Publication of banns on board His Majesty's ships.

1. Where one of the parties to a marriage intended to be solemnised in England after the publication of banns is an officer, seaman, or marine, borne on the books of one of His Majesty's ships at sea, the banns may be published on three successive Sundays at morning service on board that ship by

the chaplain, or, if there is no chaplain, by the captain or other officer commanding the ship, and, where banns have been so published, the person who published them shall, unless the banns have been forbidden on any of the grounds on which banns may be forbidden, give a certificate of publication.

Issue of certificates on board His Majesty's ships.

2. Where one of the parties to a marriage intended to be solemnised or contracted in England otherwise than after the publication of banns, or by licence, or by special licence, is an officer, seaman, or marine borne on the books of one of His Majesty's ships at sea, he may give notice of his intention to the captain or other officer commanding the ship, together with the name and address of the other party to the marriage, and such other information as may be necessary to enable the captain or other officer to fill up a certificate under this section, and shall at the same time make and sign such a declaration as is required by section two of the Marriage and Registration Act, 1856, and the captain or other officer may attest the declaration and thereupon issue a certificate to the officer, seaman, or marine giving the notice.

19 & 20 Vict. c. 119.

Application of enactments.

3. A certificate given under this Act shall be in such form as may be prescribed by the Admiralty, and shall have the like force and effect as a certificate of publication of banns in a place of worship in which banns may lawfully be published or a certificate by a superintendent registrar under the Marriage and Registration Act, 1856, as the case may be, and all enactments (including penal provisions) relating—

(1) to the publication of banns and certificates thereof; and

(2) to notices and declarations for obtaining certificates from superintendent registrars, and to such certificates;

and all rules required under any such enactments to be observed shall apply in the case of marriages to which this Act applies, subject to such adaptations therein as may be made by His Majesty by Order in Council.

Application to Scotland.

4. Where any such marriage as aforesaid is intended to be solemnised or contracted in Scotland, this Act shall apply subject to the following modifications:—

(*a*) References to the registrar shall be substituted for references to the superintendent registrar:

41 & 42 Vict. c. 43.

(*b*) References to the Marriage Notice (Scotland) Act, 1878, shall be substituted for references to the Marriage and Registration Act, 1856:

(*c*) A certificate of publication of banns under this Act shall have the same force and effect as a certificate granted by a session clerk or other proper officer for granting the same of the due proclamation of the banns of marriage under the law of Scotland.

Application to Ireland.

5.—(1) Where any such marriage as aforesaid is intended to be solemnised or contracted in Ireland, this Act shall apply subject to the following modifications:—

(*a*) References to a district registrar of marriages in Ireland shall be substituted for references to a superintendent registrar:

(*b*) References to the Marriage Law (Ireland) Amendment Act, 1863, shall be substituted for references to the Marriage and Registration Act, 1856, except that so much of section four of the first-mentioned Act as requires a declaration of attendance at a place of worship in respect of the male party shall not apply in the case of declarations under this Act or made for the purposes of a marriage under this Act.

(2) Where one of the parties to a marriage intended to be solemnised or contracted in Ireland by licence from a district registrar of marriages in Ireland is an officer, seaman, or marine borne on the books of one of His Majesty's ships at sea, the provisions of section two of this Act as applied to Ireland shall apply as if the marriage was intended to be had without licence, and the notice to be given by the other party to the intended marriage need contain no statement as to his abode or residence in any district in the United Kingdom; but, before the district registrar issues the licence, the certificate of the captain or other officer of the ship given under this Act shall be produced to him.

Short title and commencement.

6. This Act may be cited as the Naval Marriages Act, 1908, and shall come into operation on the first day of January nineteen hundred and nine.

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CHAPTER 27.

An Act to render Married Women with a separate Estate liable for the support of their Parents.

[1st August 1908.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Married women having separate property to be liable for the maintenance of parents.

1. A married woman having separate property shall be subject to all such liability for the maintenance of her parent or parents as a feme sole is now by law subject to for the maintenance of such parent or parents.

Extent of Act.

2. This Act shall apply only to England and Wales.

Commencement.

3. This Act shall come into operation on the first day of January nineteen hundred and nine.

Short title.

4. This Act may be cited as the Married Women's Property Act, 1908.

CHAPTER 28.

An Act to consolidate the Enactments relating to Agricultural Holdings in England and Wales.

[1st August 1908.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

COMPENSATION FOR IMPROVEMENTS ON HOLDINGS.

Right of tenant to compensation for improvements.

1.—(1) Where a tenant of a holding has made thereon any improvement comprised in the First Schedule to this Act he shall, subject as in this Act mentioned, be entitled, at the determination of a tenancy, on quitting his holding to obtain from the landlord as compensation under this Act for the improvement such sum as fairly represents the value of the improvement to an incoming tenant.

(2) In the ascertainment of the amount of the compensation payable to a tenant under this section there shall be taken into account—

(*a*) any benefit which the landlord has given or allowed to the tenant in consideration of the tenant executing the improvement; and

(*b*) as respects manuring as defined by this Act, the value of the manure required by the contract of tenancy or by custom to be returned to the holding in respect of any crops sold off or removed from the holding within the last two years of the tenancy or other less time for which the tenancy has endured, not exceeding the value of the manure which would have been produced by the consumption on the holding of the crops so sold off or removed.

(3) Nothing in this section shall prejudice the right of a tenant to claim any compensation to which he may be entitled under custom, agreement, or otherwise, in lieu of any compensation provided by this section.

Consent of landlord as to improvement in First Schedule, Part I.

2. Compensation under this Act shall not be payable in respect of any improvement comprised in Part I. of the First Schedule hereto, unless the landlord of the holding has, previously to the execution of the improvement, consented in writing

to the making of the improvement, and any such consent may be given by the landlord unconditionally, or upon such terms as to compensation or otherwise as may be agreed upon between the landlord and the tenant, and, if any such agreement is made, any compensation payable under the agreement shall be substituted for compensation under this Act.

Notice to landlord as to improvement in First Schedule, Part II.

3.—(1) Compensation under this Act shall not be payable in respect of any improvement comprised in Part II. of the First Schedule hereto, unless the tenant of the holding has, not more than three nor less than two months before beginning to execute the improvement, given to the landlord notice in writing of his intention so to do, and of the manner in which he proposes to do the intended work, and, upon such notice being given, the landlord and the tenant may agree on the terms as to compensation or otherwise on which the improvement is to be executed.

(2) If any such agreement is made, any compensation payable under the agreement shall be substituted for compensation under this Act.

(3) In default of any such agreement the landlord may, unless the notice of the tenant is previously withdrawn, execute the improvement in any reasonable and proper manner which he thinks fit, and recover from the tenant as rent a sum not exceeding five per cent. per annum on the outlay incurred, or not exceeding such annual sum payable for a period of twenty-five years as will repay that outlay in that period, with interest at the rate of three per cent. per annum:

Provided that, if the landlord fails to execute the improvement within a reasonable time, the tenant may execute the improvement, and shall in respect thereof be entitled to compensation under this Act.

(4) The landlord and the tenant may by the contract of tenancy or otherwise agree to dispense with any notice under this section, and any such agreement may provide for anything for which an agreement after notice under this section may provide, and in such case shall be of the same validity and effect as such last-mentioned agreement.

Agreements as to improvement in First Schedule, Part III.

4. Where any agreement in writing secures to the tenant of a holding for any improvement comprised in Part III. of the First Schedule hereto, fair and reasonable compensation, having regard to the circumstances existing at the time of making the agreement, the compensation so secured shall as respects that improvement be substituted for compensation under this Act.

Avoidance of contract inconsistent with Act.

5. Subject to the foregoing provisions of this Act, any contract (whether under seal or not) made by a tenant of a holding, by virtue of which he is deprived of his right to claim compensation under this Act in respect of any improvement comprised in the First Schedule hereto, shall be void so far as it deprives him of that right.

Determination of claims to compensation.

6.—(1) If the tenant of a holding claims to be entitled to compensation, whether under this Act, or under custom or agreement, or otherwise, in respect of any improvement comprised in the First Schedule to this Act, and if the landlord and tenant fail to agree as to the amount and time and mode of payment of the compensation, the difference shall be settled by arbitration.

(2) A claim by the tenant of a holding for compensation under this Act in respect of any improvement comprised in the First Schedule to this Act shall not be made unless notice of intention to make the claim has been given before the determination of the tenancy:

Provided that, where the claim relates to an improvement executed after the determination of the tenancy but while the tenant lawfully remains in occupation of part of the holding, the notice may be given at any time before the tenant quits that part.

(3) Where any claim by a tenant of a holding for compensation in respect of any improvement comprised in the First Schedule to this Act is referred to arbitration, and any sum is claimed to be due to the tenant from the landlord in respect of any breach of contract or otherwise in respect of the holding, or to the landlord from the tenant in respect of any waste wrongfully committed or permitted by the tenant, or in respect of breach of contract or otherwise in respect of the holding, the party claiming that sum may, if he thinks fit, by notice in writing given to the other party not later than seven days after the appointment of the arbitrator, require that the arbitration shall extend to the determination of the claim to that sum, and thereupon the provisions of this Act with respect to arbitration shall apply accordingly.

(4) Where a claim for compensation under this Act has been referred to arbitration, and the compensation payable under an agreement is by this Act to be substituted for compensation under this Act, such compensation as is to be so substituted shall be awarded in respect of any improvements provided for by the agreement.

Right of tenant who has paid compensation to outgoing tenant.

7. Where an incoming tenant of a holding has, with the consent in writing of his landlord, paid to an outgoing tenant any compensation payable under or in pursuance of this Act in respect of the whole or part of any improvement, the incoming tenant shall be entitled on quitting the holding to claim compensation in respect of the improvement or part in like manner, if at all, as the outgoing tenant would have been entitled if he had remained tenant of the holding, and quitted it at the time at which the incoming tenant quits it.

Provision as to change of tenancy.

8. A tenant who has remained in his holding during two or more tenancies shall not, on quitting his holding, be deprived of his right to claim compensation under this Act in respect of

improvements by reason only that the improvements were not made during the tenancy on the determination of which he quits the holding.

Restriction in respect of improvements by tenant about to quit.

9.—(1) A tenant of a holding shall not be entitled to compensation under this Act in respect of any improvements, other than manuring as defined by this Act, begun by him,—

(*a*) in the case of a tenant from year to year, within one year before he quits the holding, or at any time after he has given or received notice to quit which results in his quitting the holding; and

(*b*) in any other case, within one year before the expiration of his contract of tenancy:

Provided that this section shall not apply in the case of any improvement—

(i) Where the tenant, previously to beginning the improvement, has served notice on his landlord of his intention to begin it, and the landlord has either assented or has failed for a month after the receipt of the notice to object to the making of the improvement; or

(ii) In the case of a tenant from year to year, where the tenant has begun the improvement during the last year of his tenancy, and, in pursuance of a notice to quit thereafter given by the landlord, quits his holding at the expiration of that year.

COMPENSATION FOR DAMAGE BY GAME AND FOR DISTURBANCE.

Compensation for damage by game.

10.—(1) Where a tenant of a holding has sustained damage to his crops from game the right to kill and take which is vested neither in him nor in anyone claiming under him other than the landlord, and which the tenant has not permission in writing to kill, he shall subject as hereinafter mentioned be entitled to compensation from his landlord for such damage if it exceeds in amount the sum of one shilling per acre of the area over which the damage extends, and any agreement to the contrary, or in limitation of such compensation, shall be void.

(2) The amount of compensation payable under this section shall, in default of agreement made after the damage has been suffered, be determined by arbitration, but no compensation shall be recoverable under this section unless notice in writing is given to the landlord as soon as may be after the damage was first observed by the tenant and a reasonable opportunity is given to the landlord to inspect the damage—

(*a*) in the case of damage to a growing crop, before the crop is begun to be reaped, raised, or consumed; and

(*b*) in the case of damage to a crop reaped or raised before it is begun to be removed from the land—

and unless notice in writing of the claim, together with the particulars thereof, is given to the landlord within one month after the expiration of the calendar year, or such other period of twelve months as by agreement between the landlord and tenant may be substituted therefor, in respect of which the claim is made.

(3) Where the landlord proves that, under a contract of tenancy made before the commencement of this Act, any compensation for damage by game is payable by him, or that in fixing the rent to be paid under such contract allowance in respect of such damage to an agreed amount was expressly made, the arbitrator shall make such deduction from the compensation which would otherwise be payable under this section as may appear just.

(4) Where the right to kill and take the game is vested in some person other than the landlord, the landlord shall be entitled to be indemnified by such other person against all claims for compensation under this section.

(5) For the purposes of this section the expression "game" means deer, pheasants, partridges, grouse, and black game.

Compensation for unreasonable disturbance.

11. Where—

(*a*) the landlord of a holding, without good and sufficient cause, and for reasons inconsistent with good estate management, terminates the tenancy by notice to quit, or, having been requested in writing, at least one year before the expiration of a tenancy, to grant a renewal thereof, refuses to do so: or

(*b*) it has been proved that an increase of rent is demanded from the tenant of a holding, and that such increase was demanded by reason of an increase in the value of the holding due to improvements which have been executed by or at the cost of the tenant, and for which he has not, either directly or indirectly, received an equivalent from the landlord, and such demand results in the tenant quitting the holding,

the tenant upon quitting the holding shall, in addition to the compensation (if any) to which he may be entitled in respect of improvements, and notwithstanding any agreement to the contrary, be entitled to compensation for the loss or expense directly attributable to his quitting the holding which the tenant may unavoidably incur upon or in connexion with the sale or removal of his household goods, or his implements of husbandry, produce, or farm stock, on or used in connexion with the holding:

Provided that no compensation under this section shall be payable—

(*a*) unless the tenant has given to the landlord a reasonable opportunity of making a valuation of such goods, implements, produce, and stock as aforesaid;

(*b*) unless the tenant has within two months after he has received notice to quit or a refusal to grant a renewal of the tenancy, as the case may be, given to the landlord notice in writing of his intention to claim compensation under this section;

(*c*) where the tenant with whom a contract of tenancy was made has died within three months before the date of the notice to quit, or in the case of a lease for years before the refusal to grant a renewal;

(*d*) if the claim for compensation is not made within three months after the time at which the tenant quits the holding.

In the event of any difference arising as to any matter under this section the difference shall, in default of agreement, be settled by arbitration.

COMPENSATION IN CASE OF TENANCY UNDER MORTGAGOR.

Compensation to tenants when mortgagee takes possession.

12. Where a person occupies a holding under a contract of tenancy with a mortgagor, which is not binding on the mortgagee, then—

(1) The occupier shall, as against the mortgagee who takes possession, be entitled to any compensation which is, or would but for the mortgagee taking possession be, due to the occupier from the mortgagor as respects crops, improvements, tillages, or other matters connected with the holding, whether under this Act or custom or an agreement authorised by this Act;

(2) If the contract of tenancy is for a tenancy from year to year or for a term of years, not exceeding twenty-one, at a rackrent, the mortgagee shall, before he deprives the occupier of possession otherwise than in accordance with the contract of tenancy, give to the occupier six months' notice in writing of his intention so to do, and, if he so deprives him, compensation shall be due to the occupier for his crops, and for any expenditure upon the land which he has made in the expectation of remaining in the holding for the full term of his contract of tenancy, in so far as any improvement resulting therefrom is not exhausted at the time of his being so deprived.

(3) Any sum ascertained to be due to the occupier for compensation, or for any costs connected therewith, may be set off against any rent or other sum due from him in respect of the holding, but unless so set off shall, as against the mortgagee, be charged and recovered in accordance with the provisions of this Act relating to the recovery of compensation due from a landlord who is a trustee.

PROCEDURE IN ARBITRATIONS.

Procedure in arbitrations.

13.—(1) All questions which under this Act or under the contract of tenancy are referred to arbitration shall, whether the matter to which the arbitration relates arose before or after the passing of this Act, be determined, notwithstanding any agreement under the contract of tenancy or otherwise providing for a different method of arbitration, by a single arbitrator in accordance with the provisions set out in the Second Schedule to this Act.

(2) Where any claim which is referred to arbitration relates to an improvement executed or matter arising after the determination of the tenancy, but while the tenant lawfully remains in occupation of part of the holding, the arbitrator may, if he thinks fit, make a separate award in respect of that claim.

(3) If in any arbitration under this Act the arbitrator states a case for the opinion of the county court on any question of law, the opinion of the court on any question so stated shall be final, unless within the time and in accordance with the conditions prescribed by rules of the Supreme Court either party appeals to the Court of Appeal, from whose decision no appeal shall lie.

52 & 53 Vict. c. 49.

(4) The Arbitration Act, 1889, shall not apply to any arbitration under this Act.

(5) Any person who wilfully and corruptly gives false evidence before an arbitrator in any arbitration under this Act shall be guilty of perjury, and may be dealt with, prosecuted, and punished accordingly.

Recovery of compensation and other sums due.

14. Where any sum agreed or awarded under this Act to be paid for compensation costs or otherwise by a landlord or tenant of a holding is not paid within fourteen days after the time when the payment becomes due, it shall, subject as in this Act provided, be recoverable upon order made by the county court as money ordered by a county court under its ordinary jurisdiction to be paid is recoverable.

CHARGE ON HOLDING FOR COMPENSATION.

Power for landlord on paying compensation to obtain charge.

15.—(1) A landlord, on paying to the tenant the amount due to him under this Act, or under custom or agreement, or otherwise in respect of compensation for an improvement comprised in the First Schedule hereto, or on expending after notice given in accordance with this Act such amount as may be necessary to execute an improvement comprised in Part II. of the First Schedule hereto, shall be entitled to obtain from the Board an order in favour of himself, his executors, administrators, and assigns, charging the holding, or any part thereof, with repayment of the amount paid or expended, with such interest, and by such instalments, and with such directions for giving effect to the charge, as the Board think fit.

(2) Where the landlord obtaining the charge is not absolute owner of the holding for his own benefit, no instalment or

interest shall be made payable after the time when the improvement in respect whereof compensation is paid will, in the opinion of the Board, have become exhausted.

(3) Where the estate or interest of a landlord is determinable or liable to forfeiture by reason of his creating or suffering any charge thereon, that estate or interest shall not be determined or forfeited by reason of his obtaining a charge under this Act, anything in any deed, will, or other instrument to the contrary thereof notwithstanding.

Incidence of charge.

16. The sum charged by the order of the Board under this Act shall be a charge on the holding, or the part thereof charged, for the landlord's interest therein and for all interests therein subsequent to that of the landlord; but so that, in any case where the landlord's interest is an interest in a leasehold, the charge shall not extend beyond the interest of the landlord, his executors, administrators, and assigns.

Advance made by a company.

17. Any company now or hereafter incorporated by Parliament, and having power to advance money for the improvement of land, may take an assignment of any charge made by the Board under this Act, or made under any enactment hereby repealed, upon such terms and conditions as may be agreed upon between the company and the person entitled to the charge, and may assign any charge so acquired by them.

Certificate as to charges.

18. Where a charge may be made under this Act for compensation due under an award, the person making the award shall, at the request and cost of the person entitled to obtain the charge, certify the amount to be charged and the term for which the charge may properly be made, having regard to the time at which each improvement in respect of which compensation is awarded is to be deemed to be exhausted.

Registration of charges. 51 & 52 Vict. c. 51.

19. A charge made by the Board under this Act shall be a land charge within the meaning of the Land Charges Registration and Searches Act, 1888, as amended by any subsequent enactment, and may be registered accordingly.

CAPITAL MONEY APPLICABLE FOR COMPENSATION.

Capital money applicable for compensation.

20. Capital money arising under the Settled Land Acts, 1882 to 1890, may be applied—

(1) In payment as for an improvement authorised by those Acts of any money expended and costs incurred by a landlord under or in pursuance of this Act or any enactment hereby repealed, or under custom or agreement or otherwise, in or about the execution of any improvement comprised in Part I. or Part II. of the First Schedule hereto; and

(2) In discharge of any charge in respect of any such improvement created on a holding under this Act or any enactment hereby repealed, as if the charge were an incumbrance authorised by those Acts to be discharged out of that capital money.

FIXTURES AND BUILDINGS.

Tenant's property in fixtures and buildings.

21.—(1) Any engine, machinery, fencing, or other fixture affixed to a holding by a tenant, and any building erected by him thereon for which he is not under this Act or otherwise entitled to compensation, and which is not so affixed or erected in pursuance of some obligation in that behalf or instead of some fixture or building belonging to the landlord, shall be the property of and be removable by the tenant before or within a reasonable time after the determination of the tenancy:

Provided that—

(i) Before the removal of any fixture or building the tenant shall pay all rent owing by him, and shall perform or satisfy all other his obligations to the landlord in respect of the holding:

(ii) In the removal of any fixture or building the tenant shall not do any avoidable damage to any other building or other part of the holding:

(iii) Immediately after the removal of any fixture or building the tenant shall make good all damage occasioned to any other building or other part of the holding by the removal:

(iv) The tenant shall not remove any fixture or building without giving one month's previous notice in writing to the landlord of his intention to remove it:

(v) At any time before the expiration of the notice of removal the landlord, by notice in writing given by him to the tenant, may elect to purchase any fixture or building comprised in the notice of removal, and any fixture or building thus elected to be purchased shall be left by the tenant, and shall become the property of the landlord, who shall pay to the tenant the fair value thereof to an incoming tenant of the holding; and any difference as to the value shall be settled by arbitration.

(2) The provisions of this section shall apply to a fixture or building acquired since the thirty-first day of December nineteen hundred by a tenant in like manner as they apply to a fixture or building affixed or erected by a tenant, but shall not apply to any fixture or building affixed or erected before the first day of January eighteen hundred and eighty-four.

MISCELLANEOUS RIGHTS OF LANDLORD AND TENANT.

Time of notice to quit.

22. Where a half year's notice, expiring with a year of tenancy, is by law necessary and sufficient for the determination of a tenancy of a holding from year to year, a year's notice so expiring shall by virtue of this Act be necessary and sufficient

for such determination, unless the landlord and the tenant agree in writing that this section shall not apply, in which case a half year's notice shall be sufficient; but nothing in this section shall extend to a case where a receiving order in bankruptcy is made against the tenant.

Resumption of possession for cottages, &c.

23. Where a notice to quit is given by the landlord of a holding to a tenant from year to year with a view to the use of land for any of the following purposes :—

(i) The erection of farm labourers' cottages or other houses with or without gardens;

(ii) The provision of gardens for farm labourers' cottages or other houses;

(iii) The provision of allotments for labourers;

(iv) The provision of small holdings as defined by the Small Holdings and Allotments Act, 1907; 7 Edw. 7. c. 54.

(v) The planting of trees;

(vi) The opening or working of any coal, ironstone, limestone, brick earth, or other mineral, or of a stone quarry, clay, sand, or gravel pit, or the construction of any works or buildings to be used in connexion therewith;

(vii) The making of a watercourse or reservoir;

(viii) The making of any road, railway, tramroad, siding, canal, or basin, or any wharf, pier, or other work connected therewith;

and the notice states that it is given with a view to any such use—

(*a*) it shall, by virtue of this Act, be no objection to the notice that it relates to part only of the holding; and

(*b*) the provisions of this Act respecting compensation shall apply as if the part to which the notice relates were a separate holding; and

(*c*) the tenant shall be entitled to a reduction of rent proportionate to the part to which the notice relates, and in respect of any depreciation of the value to him of the residue of the holding caused by the severance, or by the use to be made of the part severed, and the amount of that reduction shall be settled as in case of compensation under this Act:

Provided that the tenant may at any time within twenty-eight days after service of the notice to quit serve on the landlord a notice in writing to the effect that he accepts it as a notice to quit the entire holding, to take effect at the expiration of the then current year of tenancy; and the notice to quit shall have effect accordingly.

Power of entry by landlord.

24. The landlord of a holding or any person authorised by him may at all reasonable times enter on the holding for the purpose of viewing the state of the holding.

Penal rents and liquidated damages.

25. Notwithstanding any provision in a contract of tenancy making the tenant of a holding liable to pay a higher rent or other liquidated damages in the event of any breach or nonfulfilment of a term or condition in the contract, a landlord shall not be entitled to recover, by distress or otherwise, any sum in consequence of any such breach or nonfulfilment in excess of the damage actually suffered by him in consequence of the breach or nonfulfilment:

Provided that this section shall not apply to any term or condition in a contract against the breaking up of permanent pasture, the grubbing of underwoods, or the felling, cutting, lopping, or injuring of trees, or regulating the burning of heather.

Freedom of cropping and disposal of produce.

26.—(1) Notwithstanding any custom of the country, or the provisions of any contract of tenancy or agreement respecting the method of cropping of arable lands, or the disposal of crops, a tenant of a holding shall have full right to practise any system of cropping of the arable land on the holding and to dispose of the produce of the holding without incurring any penalty, forfeiture, or liability:

Provided that he shall previously have made, or, as soon as may be, shall make, suitable and adequate provision to protect the holding from injury or deterioration, which provision shall in the case of disposal of the produce of the holding consist in the return to the holding of the full equivalent manurial value to the holding of all crops sold off or removed from the holding in contravention of the custom, contract or agreement:

This subsection shall not apply—

(*a*) in the case of a tenancy from year to year, as respects the year before the tenant quits the holding or any period after he has given or received notice to quit which results in his quitting the holding; or

(*b*) in any other case, as respects the year before the expiration of the contract of tenancy.

(2) If the tenant exercises his rights under this section in such a manner as to injure or deteriorate the holding, or to be likely to injure or deteriorate the holding, the landlord shall, without prejudice to any other remedy which may be open to him, be entitled to recover damages in respect of such injury or deterioration at any time, and, should the case so require, to obtain an injunction restraining the exercise of the rights under this section in that manner, and the amount of such damages may, in default of agreement, be determined by arbitration.

(3) A tenant shall not be entitled to any compensation in respect of improvements comprised in Part III. of the First Schedule to this Act which have been made for the purpose of making such provision to protect the holding from injury or deterioration as is required by this section.

(4) In this section the expression "arable land" shall not include land in grass which by the terms of any contract of tenancy is to be retained in the same condition throughout the tenancy.

Record of holding.

27. If at the commencement of a tenancy of a holding entered into after the commencement of this Act either party so requires, a record of the condition of the buildings, fences, gates, roads, drains, ditches, and cultivation of the holding shall be made within three months after the commencement of the tenancy by a person to be appointed in default of agreement by the Board, and in default of agreement the cost of making such record shall be borne by the landlord and the tenant in equal proportions.

DISTRESS.

Limitation of distress in respect of amount and time.

28. It shall not be lawful for a landlord entitled to the rent of a holding to distrain for rent which became due in respect of that holding more than one year before the making of the distress:

Provided that, where it appears that according to the ordinary course of dealing between the landlord and the tenant of the holding the payment of rent has been deferred until the expiration of a quarter or half year after the date at which the rent legally became due, the rent shall for the purpose of this section be deemed to have become due at the expiration of that quarter or half year, and not at the date at which it legally became due.

Limitation of distress in respect of things to be distrained.

29.—(1) Where live stock belonging to another person has been taken in by the tenant of a holding to be fed at a fair price, the stock shall not be distrained by the landlord for rent where there is other sufficient distress to be found, and, if so distrained by reason of other sufficient distress not being found, there shall not be recovered by that distress a sum exceeding the amount of the price agreed to be paid for the feeding, or any part thereof which remains unpaid.

(2) The owner of the stock may, at any time before it is sold, redeem the stock by paying to the distrainer a sum equal to such amount as aforesaid, and any payment so made to the distrainer shall be in full discharge as against the tenant of any sum of the like amount which would be otherwise due from the owner of the stock to the tenant in respect of the price of feeding.

(3) Any portion of the stock so long as it remains on the holding shall continue liable to be distrained for the amount for which the whole of the stock is distrainable.

(4) Agricultural or other machinery which is the property of a person other than the tenant, and is on the holding under an agreement with the tenant for the hire or use thereof in the conduct of his business, and live stock which is the property of

a person other than the tenant and is on the holding solely for breeding purposes, shall not be distrained for rent.

Remedy for wrongful distress.

30.—(1) Where any dispute arises—

(*a*) in respect of any distress having been levied on a holding contrary to the provisions of this Act; or

(*b*) as to the ownership of any live stock distrained, or as to the price to be paid for the feeding of that stock; or

(*c*) as to any other matter or thing relating to a distress on a holding:

the dispute may be heard and determined by the county court or by a court of summary jurisdiction, and any such court may make an order for restoration of any live stock or things unlawfully distrained, or may declare the price agreed to be paid for feeding, or may make any other order which justice requires.

(2) Any such dispute shall be deemed to be a matter in which a court of summary jurisdiction has authority by law to make an order on complaint in pursuance of the Summary Jurisdiction Acts; but any person aggrieved by any decision of a court of summary jurisdiction under this section may appeal to a court of quarter sessions.

Set-off of compensation against rent.

31. Where the compensation for any improvement due under this Act or any enactment repealed by this Act, or under custom or agreement, to a tenant of a holding has been ascertained before the landlord distrains for rent, the amount of the compensation may be set off against the rent, and the landlord shall not be entitled to distrain for more than the balance.

PERSONS UNDER DISABILITY, TRUSTEES, &c.

Appointment of guardian.

32. Where a landlord or a tenant is an infant without a guardian, or is of unsound mind, not so found by inquisition, the county court on the application of any person interested may appoint a guardian of the infant or person of unsound mind for the purposes of this Act, and may revoke the appointment and appoint another guardian if and as occasion requires.

Provisions respecting married women.

45 & 46 Vict. c. 75.

33. Where a woman married before the commencement of the Married Women's Property Act, 1882, is entitled to land, her title to which accrued before that commencement, then—

(*a*) if she is entitled to the land for her separate use and is not restrained from anticipation, she shall, for the purposes of this Act, be in respect of the land as if she were a feme sole; and

(*b*) in any other case her husband's concurrence shall be requisite, and she shall for the purposes of this Act be examined apart from him by the county court, or by the judge of the county court for the place where she is, touching her knowledge of the nature and effect of the intended act, and it shall be ascertained that she is acting freely and voluntarily.

Provision as to limited owners.

34. Subject to the provisions of this Act in relation to Crown, duchy, ecclesiastical, and charity lands, a landlord of a holding, whatever may be his estate or interest in the holding, may give any consent, make any agreement, or do or have done to him any act in relation to improvements in respect of which compensation is payable under this Act, which he might give or make or do or have done to him if he were owner in fee simple, or, if his interest is an interest in a leasehold, were absolutely entitled to that leasehold.

Recovery of compensation, &c. from trustee.

35. Where any sum agreed or awarded to be paid for compensation, or any sum awarded under this Act to be paid by a landlord, is due from a landlord entitled to receive the rents and profits of the holding otherwise than for his own benefit, whether as trustee or in any other character, the sum due shall be charged and recovered as follows and not otherwise (that is to say):—

(i) The amount so due shall not be recoverable personally against the landlord, nor shall he be under any liability to pay that amount, but it shall be a charge on and recoverable against the holding only;

(ii) The landlord shall, either before or after having paid to the tenant the amount due to him, be entitled to obtain from the Board a charge on the holding to the amount of the sum which is required to be paid or which has been paid, as the case may be, to the tenant;

(iii) If the landlord neglects or fails to pay to the tenant the amount due to him for one month after it has become due, the tenant shall be entitled to obtain from the Board a charge on the holding to the amount of the sum due to him, and of all costs properly incurred by him in obtaining the charge;

(iv) Charges under this section shall be made in like manner as other charges under this Act.

Estimation of best rent.

36. In estimating the best rent, or reservation in the nature of rent, of a holding for the purposes of any Act of Parliament, deed, or other instrument, authorising a lease to be made, provided that the best rent, or reservation in the nature of rent, is reserved, it shall not be necessary to take into account against the tenant any increase in the value of the holding arising from any improvements made or paid for by the tenant.

CROWN AND DUCHY LANDS.

Application to Crown lands.

37.—(1) This Act shall apply to land belonging to His Majesty in right of the Crown.

(2) With respect to any such land, for the purposes of this Act, the Commissioners of Woods, or other the proper officer or body having charge of the land for the time being, or, in case there is no such officer or body, then such person as His Majesty may appoint in writing under the Royal Sign Manual, shall represent His Majesty, and shall be deemed to be the landlord.

29 & 30 Vict. c. 62.

(3) The power given to the Treasury by section one of the Crown Lands Act, 1866 (being a power to direct the cost of certain improvements to be charged to capital and repaid out of income) shall extend to any compensation under this Act payable by the Commissioners of Woods in respect of an improvement comprised in Part I. or Part II. of the First Schedule hereto.

(4) Any compensation under this Act payable by those Commissioners, in respect of an improvement comprised in Part III. of the First Schedule hereto, shall be paid as part of the expenses of the management of the Land Revenues of the Crown.

Application to land of Duchy of Lancaster.

38.—(1) This Act shall apply to land belonging to His Majesty in right of the Duchy of Lancaster.

(2) With respect to any such land for the purposes of this Act, the Chancellor of the Duchy shall represent His Majesty, and shall be deemed to be the landlord.

(3) The amount of any compensation under this Act payable by the Chancellor of the Duchy in respect of an improvement comprised in Part I. or Part II. of the First Schedule to this Act shall be raised and paid as an expense incurred in improvement of land belonging to His Majesty in right of the Duchy within section twenty-five of the Act of the fifty-seventh year of King George the Third, chapter ninety-seven.

(4) The amount of any compensation under this Act payable by the Chancellor of the Duchy in respect of an improvement comprised in Part III. of the First Schedule to this Act shall be paid out of the annual revenues of the Duchy.

Application to land of Duchy of Cornwall.

39.—(1) This Act shall apply to land belonging to the Duchy of Cornwall.

(2) With respect to any such land, for the purposes of this Act, such person as the Duke of Cornwall, or the possessor for the time being of the Duchy of Cornwall, appoints, shall represent the Duke of Cornwall or other the possessor aforesaid, and be deemed to be the landlord, and may do any act or thing under this Act which a landlord is authorised or required to do thereunder.

(3) Any compensation under this Act payable by the Duke of Cornwall, or other the possessor aforesaid, in respect of an improvement comprised in Part I. or Part II. of the First Schedule to this Act, shall be paid, and advances therefor made, in the manner and subject to the provisions of section eight of the Duchy of Cornwall Management Act, 1863, with respect to improvements of land mentioned in that section.

26 & 27 Vict. c. 49.

ECCLESIASTICAL AND CHARITY LANDS.

Application to ecclesiastical land.

40.—(1) Where lands are assigned or secured as the endowment of a see, the powers by this Act conferred on a landlord (other than that of entering on a holding for the purpose of viewing the state of the holding) shall not be exercised by

the bishop in respect of those lands, except with the previous approval in writing of the Estates Committee of the Ecclesiastical Commissioners.

(2) Where a landlord is incumbent of an ecclesiastical benefice, the powers by this Act conferred on a landlord (other than as aforesaid) shall not be exercised by him in respect of the glebe land or other land belonging to the benefice, except with the previous approval in writing of the patron of the benefice, that is, the person or authority who, in case the benefice were vacant, would be entitled to present thereto, or of Queen Anne's Bounty.

(3) Queen Anne's Bounty may, if they think fit, on behalf of the incumbent, out of any money in their hands, pay to the tenant the amount of compensation due to him in respect of any improvement comprised in the First Schedule hereto; and thereupon they may, instead of the incumbent, obtain from the Board a charge on the holding in respect thereof in favour of themselves, and every such charge shall be effectual notwithstanding any change of the incumbent.

Application to charity land.

41. The powers by this Act conferred on a landlord in respect of charging the land shall not be exercised by trustees for ecclesiastical or charitable purposes, except with the approval in writing of the Charity Commissioners or the Board of Education, as the case may require.

SPECIAL PROVISIONS AS TO MARKET GARDENS.

Special provisions as to market gardens.

42.—(1) In the case of a holding in respect of which it is agreed by an agreement in writing made on or after the first day of January eighteen hundred and ninety-six that the holding shall be let or treated as a market garden—

(i) the provisions of this Act shall apply as if the improvements comprised in the Third Schedule to this Act were comprised in Part III. of the First Schedule to this Act:

Provided that—

(*a*) in the case of Crown lands, compensation in respect of an improvement comprised in paragraphs (1) (2) and (5) of the said Third Schedule shall be paid in the same manner and out of the same funds as if it were an improvement comprised in Part I. of the said First Schedule; and

(*b*) in the case of Duchy lands, compensation in respect of any improvement comprised in the said Third Schedule shall be paid in the same manner and out of the same funds as if it were comprised in Part I. of the said First Schedule;

(*c*) the right of an incoming tenant to claim compensation in respect of the whole or part of an improvement which he has purchased may be exercised although his landlord has not consented in writing to the purchase:

(ii) The provisions of this Act relating to tenants' property in fixtures and buildings shall extend to every fixture or building affixed or erected by the tenant to or upon the holding, or acquired by him since the thirty-first day of December nineteen hundred, for the purposes of his trade or business as a market gardener:

(iii) It shall be lawful for the tenant to remove all fruit trees and fruit bushes planted by him on the holding and not permanently set out; but, if the tenant does not remove such fruit trees and fruit bushes before the determination of his tenancy, they shall remain the property of the landlord, and the tenant shall not be entitled to any compensation in respect thereof.

(2) Where under a contract of tenancy current on the first day of January eighteen hundred and ninety-six a holding was at that date in use or cultivation as a market garden with the knowledge of the landlord, and the tenant thereof has then executed thereon, without having received previously to the execution thereof any written notice of dissent by the landlord, any improvement comprised in the Third Schedule to this Act, the provisions of this section shall apply, in respect of that holding, as if it had been agreed in writing after that date that the holding should be let or treated as a market garden, so however that the improvements in respect of which compensation is payable under those provisions as so applied shall include improvements executed before as well as improvements executed after that date. Provided that where such a tenancy was a tenancy from year to year, the compensation payable in respect of an improvement comprised in the Third Schedule to this Act shall be such (if any) as could have been claimed if this Act had not been passed.

(3) Where the land to which such agreement relates, or so used and cultivated, consists of part of a holding only, this section shall apply as if that part were a separate holding.

SUPPLEMENTAL PROVISIONS.

Exclusion of certiorari.

43. An order of the county court or of a court of summary jurisdiction under this Act shall not be quashed for want of form, or be removed by certiorari or otherwise into any superior court.

Costs in county court.

44.—(1) The costs of proceedings in the county court under this Act shall be in the discretion of the court.

(2) The Lord Chancellor may prescribe scales of costs for those proceedings, and of costs to be taxed by the registrar of the court.

Service of notice, &c.

45. Any notice, request, demand, or other instrument under this Act may be served on the person to whom it is to be given either personally or by leaving it for him at his last known place of abode in England, or by sending it through the post in a

registered letter addressed to him there; and in the case of a notice to a landlord "the person to whom it is to be given" shall include any agent of the landlord duly authorised in that behalf.

General saving of rights.

46. Except as in this Act expressed, nothing in this Act shall prejudicially affect any power, right, or remedy of a landlord, tenant, or other person vested in or exerciseable by him by virtue of any other Act or law, or under any custom of the country, or otherwise, in respect of a contract of tenancy or other contract, or of any improvements, waste, emblements, tillages, away-going crops, fixtures, tax, rate, tithe rentcharge, rent, or other thing.

Improvements executed under repealed enactments.

47. Except as otherwise expressly provided by this Act, the compensation in respect of an improvement made or begun before the commencement of this Act, or made upon a holding held under a contract of tenancy, other than a tenancy from year to year, current on the first day of January eighteen hundred and eighty-four shall be such (if any) as could have been claimed if this Act had not been passed, but the procedure for the ascertainment and recovery thereof shall be such as is provided by this Act, and the amount so ascertained shall be payable, recoverable, and chargeable as if it were compensation under this Act.

Interpretation.

48.—(1) In this Act, unless the context otherwise requires,—

"Contract of tenancy" means a letting of or agreement for letting land for a term of years, or for lives, or for lives and years, or from year to year;

"Determination of tenancy" means the cesser of a contract of tenancy by reason of effluxion of time, or from any other cause;

"Landlord" means any person for the time being entitled to receive the rents and profits of any land;

"Tenant" means the holder of land under a contract of tenancy, and includes the executors, administrators, assigns, guardian, committee of the estate, or trustee in bankruptcy, of a tenant, or other person deriving title from a tenant;

"Holding" means any parcel of land held by a tenant, which is either wholly agricultural or wholly pastoral, or in part agricultural and as to the residue pastoral, or in whole or in part cultivated as a market garden, and which is not let to the tenant during his continuance in any office, appointment, or employment held under the landlord;

"Market garden" means a holding cultivated, wholly or mainly, for the purpose of the trade or business of market gardening;

"Board" means the Board of Agriculture and Fisheries;

"County court," in relation to a holding, means the county court within the district whereof the holding, or the larger part thereof, is situate;

"Live stock" includes any animal capable of being distrained;

"Manuring" means any of the improvements numbered twenty-three, twenty-four, and twenty-five in Part III. of the First Schedule hereto;

"Agreement" includes an agreement arrived at by means of valuation or otherwise, and "agreed" has a corresponding meaning.

(2) The designations of landlord and tenant shall continue to apply to the parties until the conclusion of any proceedings taken under or in pursuance of this Act in respect of compensation for improvements, or under any agreement made in pursuance of this Act.

Repeal.

49. The enactments specified in the Fourth Schedule to this Act are hereby repealed to the extent mentioned in the third column of that schedule:

Provided that—

(*a*) all orders, rules, scales of costs, and instruments issued and notices and consents given and having effect under any enactment hereby repealed shall have effect as if they had been made or given under this Act; and

(*b*) references in any conveyance, lease, or other document to any enactment so repealed shall have effect as if they had been references to the corresponding provisions of this Act.

Commencement.

50. This Act shall come into operation on the first day of January nineteen hundred and nine.

Short title and extent.

51.—(1) This Act may be cited as the Agricultural Holdings Act, 1908.

(2) This Act shall not extend to Scotland or Ireland.

SCHEDULES.

FIRST SCHEDULE.

Sections 1, 2, 5, 6, 15, 20, 37, 38, 39, 40, 42.

PART I.

IMPROVEMENTS TO WHICH CONSENT OF LANDLORD IS REQUIRED.

(1) Erection, alteration, or enlargement of buildings.

(2) Formation of silos.

(3) Laying down of permanent pasture.

(4) Making and planting of osier beds.

(5) Making of water meadows or works of irrigation.

(6) Making of gardens.

(7) Making or improvement of roads or bridges.

(8) Making or improvement of watercourses, ponds, wells, or reservoirs, or of works for the application of water power or for supply of water for agricultural or domestic purposes.

(9) Making or removal of permanent fences.

(10) Planting of hops.

(11) Planting of orchards or fruit bushes.

(12) Protecting young fruit trees.

(13) Reclaiming of waste land.

(14) Warping or weiring of land.

(15) Embankments and sluices against floods.

(16) Erection of wirework in hop gardens.

[N.B.—*This part is subject as to market gardens to the provisions of the Third Schedule.*]

Part II.

Sections 3, 15, 20, 37, 38, 39.

Improvement in respect of which Notice to Landlord is required.

(17) Drainage.

Part III.

Sections 4, 26, 37, 38, 42, 48.

Improvements in respect of which Consent of or Notice to Landlord is not required.

(18) Chalking of land.

(19) Clay-burning.

(20) Claying of land or spreading blaes upon land.

(21) Liming of land.

(22) Marling of land.

(23) Application to land of purchased artificial or other purchased manure.

(24) Consumption on the holding by cattle, sheep, or pigs, or by horses other than those regularly employed on the holding, of corn, cake, or other feeding stuff not produced on the holding.

(25) Consumption on the holding by cattle, sheep, or pigs, or by horses other than those regularly employed on the holding, of corn proved by satisfactory evidence to have been produced and consumed on the holding.

(26) Laying down temporary pasture with clover, grass, lucerne, sainfoin, or other seeds, sown more than two years prior to the determination of the tenancy.

(27) Repairs to buildings, being buildings necessary for the proper cultivation or working of the holding, other than repairs which the tenant is himself under an obligation to execute :

Provided that the tenant, before beginning to execute any such repairs, shall give to the landlord notice in writing of his intention, together with particulars of such repairs, and shall not execute the repairs unless the landlord fails to execute them within a reasonable time after receiving such notice.

Section 13.

SECOND SCHEDULE.

RULES AS TO ARBITRATION.

Appointment of Arbitrator.

1900, Sch 2. 1906, s. 1 (3). 1. A person agreed upon between the parties, or in default of agreement nominated by the Board on the application in writing of either of the parties, shall be appointed arbitrator.

2. If a person appointed arbitrator dies, or is incapable of acting, or for seven days after notice from either party requiring him to act fails to act, a new arbitrator may be appointed as if no arbitrator had been appointed.

3. Neither party shall have power to revoke the appointment of the arbitrator without the consent of the other party.

4. Every appointment, notice, revocation, and consent under this part of these rules must be in writing.

Time for Award.

5. The arbitrator shall make and sign his award within twenty-eight days of his appointment or within such longer period as the Board may (whether the time for making the award has expired or not) direct.

Removal of Arbitrator.

6. Where an arbitrator has misconducted himself the county court may remove him.

Evidence.

7. The parties to the arbitration, and all persons claiming through them respectively, shall, subject to any legal objection, submit to be examined by the arbitrator, on oath or affirmation, in relation to the matters in dispute, and shall, subject as aforesaid, produce before the arbitrator all samples, books, deeds, papers, accounts, writings, and documents, within their possession or power respectively, which may be required or called for, and do all other things which during the proceedings the arbitrator may require.

8. The arbitrator shall have power to administer oaths, and to take the affirmation of parties and witnesses appearing, and witnesses shall, if the arbitrator thinks fit, be examined on oath or affirmation.

Statement of Case.

9. The arbitrator may at any stage of the proceedings, and shall if so directed by the judge of the county court (which direction may be given on the application of either party), state in the form of a special case for the opinion of that court any question of law arising in the course of the arbitration.

Award.

10. The arbitrator shall, on the application of either party, specify the amount awarded in respect of any particular improvement or any particular matter the subject of the award, and the award shall fix a day not sooner than one month or later than two months after the delivery of the award for the payment of the money awarded as compensation, costs, or otherwise, and shall be in such form as may be prescribed by the Board.

11. The award to be made by the arbitrator shall be final and binding on the parties and the persons claiming under them respectively.

12. The arbitrator may correct in an award any clerical mistake or error arising from any accidental slip or omission.

13. When an arbitrator has misconducted himself, or an arbitration or award has been improperly procured, the county court may set the award aside.

Costs.

14. The costs of and incidental to the arbitration and award shall be in the discretion of the arbitrator, who may direct to and by whom and in what manner these costs or any part thereof are to be paid, and the costs shall be subject to taxation by the registrar of the county court on the application of either party, but that taxation shall be subject to review by the judge of the county court.

15. The arbitrator shall, in awarding costs, take into consideration the reasonableness or unreasonableness of the claim of either party, either in respect of amount or otherwise, and any unreasonable demand for particulars or refusal to supply particulars, and generally all the circumstances of the case, and may disallow the costs of any witness whom he considers to have been called unnecessarily, and any other costs which he considers to have been incurred unnecessarily.

Forms.

16. Any forms for proceedings in arbitrations under this Act which may be prescribed by the Board shall, if used, be sufficient.

THIRD SCHEDULE.

Section 42.

IMPROVEMENTS SUBJECT TO SPECIAL PROVISIONS IN THE CASE OF MARKET GARDENS.

(1) Planting of standard or other fruit trees permanently set out;

(2) Planting of fruit bushes permanently set out;

(3) Planting of strawberry plants;

(4) Planting of asparagus, rhubarb, and other vegetable crops which continue productive for two or more years;

(5) Erection or enlargement of buildings for the purpose of the trade or business of a market gardener.

FOURTH SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
46 & 47 Vict. c. 61.	The Agricultural Holdings (England) Act, 1883.	The whole Act.
53 & 54 Vict. c. 57.	The Tenants' Compensation Act, 1890.	In section one the words "the Agricultural Holdings Act, 1883, and." Section two, except so far as relates to compensation under the Allotments and Cottage Gardens (Compensation for Crops) Act, 1887. Section three and section four.
58 & 59 Vict. c. 27.	The Market Gardeners' Compensation Act, 1895.	The whole Act.
63 & 64 Vict. c. 50.	The Agricultural Holdings Act, 1900.	The whole Act, except so far as it relates to Scotland.
6 Edw. 7. c. 56.	The Agricultural Holdings Act, 1906.	The whole Act, except so far as it relates to Scotland.
7 Edw. 7. c. 54.	The Small Holdings and Allotments Act, 1907.	Section thirty-eight.

CHAPTER 29.

An Act to amend section sixty-seven of the Grand Jury (Ireland) Act, 1836, with respect to Piers, Quays, and other Works, and for other purposes connected therewith. [1st August 1908.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Amendment of 6 & 7 Will. 4. c. 116.

1. The following amendments shall be made in section sixty-seven of the Grand Jury (Ireland) Act, 1836, as adapted by the Local Government (Adaptation of Irish Enactments) Order, 1899:—

(*a*) For "three hundred pounds" there shall be substituted "fifteen hundred pounds" as the maximum sum which the council of a county may resolve to levy off the county for any work undertaken under that section:

(*b*) The conditions as regards payment to the county treasurer, and as regards the certifying of such payment, shall not apply in any case where the Department of Agriculture and Technical Instruction for Ireland (in this Act referred to as the Department) have agreed in manner provided by this Act to contribute to the expenses of the work any sum not less than one-third of the sum for which the work is contracted for.

Agreements of the Department.

2.—(1) The Department, where they propose out of funds at their disposal to contribute to the expenses of any work undertaken by a county council under section sixty-seven of the Grand Jury (Ireland) Act, 1836, as amended by this Act, may for the purposes of this Act enter into an agreement with the council to contribute to those expenses a sum to be mentioned in the agreement.

(2) Such agreement may (amongst other things) provide for the work being carried out by or under the supervision of the Department, and the work may be so carried out accordingly.

Saving of rights of Crown and Government Departments.

3. Nothing in this Act shall affect prejudicially any right, power, privilege, or exemption of the Crown or vested in or exerciseable by any Government Department.

Saving of rights acquired by Charter, &c.

4. Nothing in this Act shall authorise the doing of any act which would prejudice or affect any right, franchise, privilege, power, jurisdiction, or authority acquired by or given or reserved to any person by Royal Charter, by prescription, or by any local or special Act without the consent in writing of such person.

Short title and construction.

5. This Act may be cited as the Grand Jury (Ireland) Act, 1836, Amendment Act, 1908, and shall be construed as one with the Local Government (Ireland) Acts, 1898 to 1902.

CHAPTER 30.

An Act to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of March one thousand nine hundred and nine, and to appropriate the Supplies granted in this Session of Parliament. [1st August 1908.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, towards making good the supply which we have cheerfully granted to Your Majesty in this session of Parliament, have resolved to grant unto Your Majesty the sum herein-after mentioned; and do therefore most

humbly beseech Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

GRANTS OUT OF CONSOLIDATED FUND.

Issue of 69,157,274*l.* out of the Consolidated Fund.

1. The Treasury may issue out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, and apply towards making good the supply granted to His Majesty for the service of the year ending on the thirty-first day of March one thousand nine hundred and nine, the sum of sixty-nine million one hundred and fifty-seven thousand two hundred and seventy-four pounds.

Power for the Treasury to borrow.

2.—(1) The Treasury may borrow from any person, by the issue of Treasury Bills or otherwise, and the Bank of England and the Bank of Ireland may advance to the Treasury on the credit of the said sums, any sum or sums not exceeding in the whole sixty-nine million one hundred and fifty-seven thousand two hundred and seventy-four pounds.

(2) The date of payment of any Treasury Bills issued under this section shall be a date not later than the thirty-first day of March nineteen hundred and nine, and section six of the Treasury Bills Act, 1877 (which relates to the renewal of bills), shall not apply with respect to those bills.

40 & 41 Vict. c. 2.

(3) Any money borrowed otherwise than on Treasury Bills shall be repaid, with interest not exceeding five pounds per cent. per annum, out of the growing produce of the Consolidated Fund, at any period not later than the next succeeding quarter to that in which the money was borrowed.

(4) Any money borrowed under this section shall be placed to the credit of the account of the Exchequer, and shall form part of the said Consolidated Fund, and be available in any manner in which such Fund is available.

APPROPRIATION OF GRANTS.

Appropriation of sums voted for supply services.

3. All sums granted by this Act and the other Act mentioned in Schedule (A.) annexed to this Act out of the said Consolidated Fund towards making good the supply granted to His Majesty, amounting, as appears by the said schedule, in the aggregate, to the sum of one hundred and thirteen million eight hundred and eighty-eight thousand four hundred and ninety-one pounds are appropriated, and shall be deemed to have been appropriated as from the date of the passing of the Act mentioned in the said Schedule (A.), for the services and purposes expressed in Schedule (B.) annexed hereto.

The abstract of schedules and schedules annexed hereto, with the notes (if any) to such schedules, shall be deemed to be part of this Act in the same manner as if they had been contained in the body thereof.

In addition to the sums hereby granted out of the Consolidated Fund, there may be applied out of any money directed under section two of the Public Accounts and Charges Act, 1891, to be applied as appropriations in aid of the grants for the services and purposes specified in Schedule (B.) annexed hereto, the sums respectively set forth in the last column of the said schedule. 54 & 55 Vict. c. 24.

Treasury may, in certain cases of exigency, authorise expenditure unprovided for; provided that the aggregate grants for the navy services and for the army services respectively be not exceeded.

4.—(1) So long as the aggregate expenditure on naval and military services respectively is not made to exceed the aggregate sums appropriated by this Act for those services respectively, any surplus arising on any vote for those services, either by an excess of the sum realised on account of appropriations in aid of the vote over the sum which may be applied under this Act as appropriations in aid of that vote, or by saving of expenditure on that vote, may, with the sanction of the Treasury, be temporarily applied either in making up any deficiency in the sums realised on account of appropriations in aid of any other vote in the same department, or in defraying expenditure in the same department which is not provided for in the sums appropriated to the service of the department by this Act, and which it may be detrimental to the public service to postpone until provision can be made for it by Parliament in the usual course.

(2) A statement showing all cases in which the sanction of the Treasury has been given to the temporary application of a surplus under this section, and showing the circumstances under which the sanction of the Treasury has been given, shall be laid before the House of Commons with the appropriation accounts of the naval and military services for the year, in order that any temporary application of any surplus sanctioned by the Treasury under this section may be submitted for the sanction of Parliament.

Sanction for navy and army expenditure for 1906–1907 unprovided for.

5. Whereas surpluses arising on certain votes for the naval and military services respectively for the year ended on the thirty-first day of March one thousand nine hundred and seven have been temporarily applied as shown in the accounts set out in Schedule (C.) to this Act.

It is enacted that the application of those surpluses as shown in the said accounts is hereby sanctioned.

Declaration required in certain cases before receipt of sums appropriated.

6. A person shall not receive any part of a grant which may be made in pursuance of this Act for half-pay or army, navy, or civil non-effective services, until he has subscribed such declaration as may from time to time be prescribed by a warrant of the Treasury before one of the persons prescribed by such warrant:

Provided that, whenever any such payment is made at more frequent intervals than once in a quarter, the Treasury may dispense with the production of more than one declaration in respect of each quarter.

Any person who makes a declaration for the purpose of this section, knowing the same to be untrue in any material particular, shall be guilty of a misdemeanor.

Short title.

7. This Act may be cited for all purposes as the Appropriation Act, 1908.

ABSTRACT
OF
SCHEDULES (A.) and (B.) to which this Act refers.

SCHEDULE (A.)

	£ s. d.
Grants out of the Consolidated Fund - - -	113,888,491 0 0

SCHEDULE (B.)—APPROPRIATION OF GRANTS.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
1907–1908.		
Part 1. Army (Supplementary), 1907–1908 - -	£ s. d. 100 0 0	£ s. d. —
„ 2. Civil Services and Revenue Departments (Supplementary), 1907–1908 - -	375,717 0 0	4,500 0 0
£	375,817 0 0	4,500 0 0
1908–1909.		
„ 3. Navy - - -	32,319,500 0 0	1,622,503 0 0
„ 4. Army - - -	27,459,000 0 0	3,367,804 0 0
„ 4. Army (Ordnance Factories) - - -	100 0 0	2,835,000 0 0
£	59,778,600 0 0	7,825,307 0 0
„ 5. Civil Services, Class I. -	3,047,468 0 0	113,800 0 0
„ 6. Ditto, Class II. -	2,969,171 0 0	634,401 0 0
„ 7. Ditto, Class III. -	4,031,785 0 0	806,553 0 0
„ 8. Ditto, Class IV. -	17,692,230 0 0	22,850 0 0
„ 9. Ditto, Class V. -	1,832,612 0 0	160,252 0 0
„ 10. Ditto, Class VI. -	2,003,333 0 0	—
„ 11. Ditto, Class VII. -	511,844 0 0	5,850 0 0
TOTAL, CIVIL SERVICES - £	32,088,443 0 0	1,743,706 0 0
13. Revenue Departments, &c. £	21,645,631 0 0	461,487 0 0
GRAND TOTAL - - £	113,888,491 0 0	10,035,000 0 0

SCHEDULE (A.)

SCHED. (A.)

GRANTS OUT OF THE CONSOLIDATED FUND.

	£	s.	d.
For the service of the year ended on the 31st March 1908 :—			
Under Act 8 Edw. 7. c. 1. - - - -	375,817	0	0
For the service of the year ending on 31st March 1909 :—			
Under Act 8 Edw. 7. c. 1. - - - -	44,355,400	0	0
Under this Act - - - - - -	69,157,274	0	0
TOTAL - - - -	£ 113,888,491	0	0

SCHEDULE (B.)—PART 1.

SCHED. (B.) PART 1. Army Supplementary, 1907-1908.

ARMY SUPPLEMENTARY, 1907-1908.

SUM granted to meet additional expenditure in respect of the following Army Services for the year ended on the 31st day of March 1908, viz. :—

	£	s.	d.
Vote 5.—Volunteer Corps, Pay, Allowances, &c. -	358,000	0	0
Less Surpluses on other Votes - - - -	357,900	0	0
	£ 100	0	0

SCHED. (B.) PART 2. Civil Services and Revenue Departments. (Supplementary), 1907–1908.

SCHEDULE (B.)—PART 2.

CIVIL SERVICES AND REVENUE DEPARTMENTS (SUPPLEMENTARY), 1907–1908.

SCHEDULE of SUPPLEMENTARY SUMS granted to defray the charges for the Services herein particularly mentioned for the year ended on the 31st day of March 1908; viz.:—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
CIVIL SERVICES.		
CLASS II.	£	£
For the salaries and expenses of the Board of Agriculture and Fisheries, and Royal Botanic Gardens, Kew, including certain Grants in Aid - -	100,000	1,750
For the salaries and expenses of the Mint, including the expenses of Coinage - - - -	20	2,350
CLASS III.		
For the salaries and expenses of the Office of Public Trustee - - - - - -	1,870	400
For Criminal Prosecutions, and other Law Charges in Ireland - - - - - - -	2,500	—
For the expenses of the Royal Irish Constabulary -	5,000	—
CLASS IV.		
For the expenses of the Board of Education, including a Grant in Aid of the Imperial College of Science and Technology - - - - -	6,000	—
CLASS V.		
For making good the net loss on transactions connected with the raising of money for the various Treasury Chests Abroad in the year 1906–1907 -	327	—
REVENUE DEPARTMENTS.		
For the salaries and expenses of the Post Office, including Telegraphs - - - - -	260,000	—
TOTAL - - - £	375,717	4,500

SCHEDULE (B.)—PART 3.

SCHED. (B.) PART 3. Navy.

NAVY.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the NAVY SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1909; viz.:—

NO.		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
1.	For wages, &c. to 128,000 officers, seamen, and boys, coastguard, and Royal marines -	7,129,700	136,517
2.	For victualling and clothing for the navy, including the cost of victualling establishments at home and abroad - - -	2,286,400	575,671
3.	For medical services, including the cost of medical establishments at home and abroad	258,700	20,262
4.	For martial law, including the cost of naval prisons at home and abroad - -	13,900	100
5.	For educational services - - - -	167,000	63,441
6.	For scientific services - - -	66,000	29,195
7.	For the royal naval reserve, the royal fleet reserve (including seamen pensioner reserve), and the royal naval volunteers, &c. -	368,300	8,284
8.	Sect. 1. For the personnel for shipbuilding, repairs, maintenance, &c., including the cost of establishments of dockyards and naval yards at home and abroad - - -	2,936,200	21,800
„	Sect. 2. For the matériel for shipbuilding, repairs, maintenance, &c., including the cost of establishments of dockyards and naval yards at home and abroad - -	4,157,000	382,000
„	Sect. 3. For contract work for shipbuilding, repairs, &c. - - - - -	7,220,700	137,000
9.	For naval armaments - - - -	2,048,700	160,000
10.	For works, buildings, and repairs at home and abroad, including the cost of superintendence, purchase of sites, grants in aid, and other charges connected therewith -	2,306,700	34,000
11.	For various miscellaneous effective services -	409,200	12,407
12.	For the Admiralty Office - - -	370,200	8,775
13.	For half-pay, and retired pay to officers of the navy and marines - - -	868,800	12,818
14.	For naval and marine pensions, gratuities, and compassionate allowances - -	1,334,600	19,793
15.	For civil pensions and gratuities - -	377,400	440
	TOTAL NAVY SERVICES - - £	32,319,500	1,622,503

SCHED. (B.) PART 4. Army.

SCHEDULE (B.)—PART 4.

ARMY.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the ARMY SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1909; viz.:—

No.		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
1.	For the pay, &c. of His Majesty's Army (including Army Reserve to a number not exceeding 142,000) at home and abroad (exclusive of India)	9,422,000	1,048,000
2.	For the pay, &c. of the medical establishments and for medicines, &c.	451,000	2,000
3.	For the pay, bounty, &c. of the Special Reserves and militia (to a number not exceeding 132,737, including 2,000 militia reserve)	840,000	8,000
4.	For grants, pay, allowances, training, and miscellaneous charges of the Territorial Force (not exceeding 312,000 men), Imperial yeomanry, and volunteers, and Channel Islands and Colonial Militia, including the permanent staff	2,005,000	35,680
5.	For establishments for military education	142,000	57,500
6.	For quartering, transport and remounts	1,839,000	77,000
7.	For supplies and clothing	3,912,000	419,000
8.	For the Ordnance Department establishments and for general stores	498,000	229,000
9.	For armaments and engineer stores, including technical committees	1,490,000	405,000
10.	For works, buildings, and repairs, lands, and miscellaneous engineer services, including staff in connection therewith	2,515,000	81,100
11.	For miscellaneous effective services	73,000	2,400
12.	For the War Office and Army Accounts Department	580,000	250
13.	For rewards; half-pay; retired pay; widows' pensions; and other non-effective charges for officers	1,743,000	492,974
14.	For Chelsea and Kilmainham hospitals; for out-pensions; for rewards for distinguished services; for widows' pensions; and for other non-effective charges for warrant officers, non-commissioned officers, and men, &c.	1,782,000	509,807
15.	For civil superannuation, compensation, compassionate allowances, and gratuities, and for payments under the Workmen's Compensation Act	167,000	93
	TOTAL ARMY SERVICES £	27,459,000	3,367,804

SCHED. (B.) PART 4. Army.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
ARMY (ORDNANCE FACTORIES).	£	£
For the ordnance factories, the cost of productions of which is charged to the army, navy, and Indian and Colonial Governments, &c. -	100	2,835,000
TOTAL ARMY SERVICES (INCLUDING ORDNANCE FACTORIES) - - £	27,459,100	6,202,804

SCHEDULE (B.)—PART 5.

SCHED. (B.) PART 5. Civil Services. Class I.

CIVIL SERVICES.—CLASS I.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1909; viz.:—

No.		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
1.	For expenditure in respect of royal palaces -	62,500	1,699
2.	For expenditure in respect of Osborne - -	12,300	2,600
3.	For the royal parks and pleasure gardens - -	131,900	8,966
4.	For expenditure in respect of the Houses of Parliament buildings (including a Supplementary sum of 5,000*l.*) - - -	55,000	310
4A.	For the execution and erection of a monument in the Collegiate Church of St. Peter, Westminster, to the memory of the late Right Honourable the Marquess of Salisbury - -	2,100	—
5.	For expenditure in respect of miscellaneous legal buildings, Great Britain - - -	78,000	880
6.	For expenditure in respect of Art and Science buildings, Great Britain - - -	80,000	370
7.	For expenditure in respect of diplomatic and consular buildings, and for the maintenance of certain cemeteries abroad (including a supplementary sum of 13,000*l.*) - -	92,400	775
8.	For the Customs, Inland Revenue, Post Office, and Post Office Telegraph buildings in Great Britain, and certain Post Offices abroad, including furniture, fuel, and sundry miscellaneous services - - - - -	723,000	5,175
9.	For expenditure in respect of sundry public buildings in Great Britain not provided for on other votes - - - - -	572,900	19,000
10.	For the survey of the United Kingdom, and for minor services connected therewith -	206,815	34,750

SCHED. (B.) PART 5. Civil Services. Class I.

No.		Sums not exceeding: Supply Grants.	Sums not exceeding: Appropriations in Aid.
		£	£
11.	For maintaining certain harbours under the Board of Trade and for grants in aid of harbours	52,840	2,600
12.	For constructing a new harbour of refuge at Peterhead	32,000	—
13.	For rates and contributions in lieu of rates, &c., in respect of Government property, and for rates on houses occupied by representatives of Foreign Powers, and for salaries and expenses of the Rating of Government property department, and for a contribution towards the expenses of the London Fire Brigade	655,000	29,815
14.	For the erection, repairs, and maintenance of public buildings in Ireland, for the maintenance of certain parks and public works, and for the maintenance of drainage works on the River Shannon	229,259	6,860
15.	For payments under the Tramways and Public Companies (Ireland) Act, 1883, &c., the Tramways (Ireland) Act, 1895, the Railways (Ireland) Act, 1896, and the Marine Works (Ireland) Act, 1902	61,454	—
	TOTAL CIVIL SERVICES, CLASS I. £	3,047,468	113,800

SCHED. (B.) PART 6. Civil Services. Class II.

SCHEDULE (B.)—PART 6.

CIVIL SERVICES.—CLASS II.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1909; viz.:—

No.		Sums not exceeding: Supply Grants.	Sums not exceeding: Appropriations in Aid.
		£	£
1.	For the salaries and expenses of the offices of the House of Lords	25,956	16,000
2.	For the salaries and expenses in the offices of the House of Commons	39,900	18,000
3.	For the salaries and other expenses of the department of His Majesty's Treasury and subordinate departments, including expenses in respect of advances under the Light Railways Act, 1896	102,917	3,717
4.	For the salaries and expenses of the office of His Majesty's Secretary of State for the Home Department and subordinate offices	214,967	9,700

SCHED. (B.) PART 6. Civil Services, Class II.

No.		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
5.	For the salaries and expenses of the department of His Majesty's Secretary of State for Foreign Affairs	64,830	600
6.	For the salaries and expenses of the department of His Majesty's Secretary of State for the Colonies, including a grant in aid of certain expenses connected with Emigration	56,450	—
7.	For the salaries and expenses of the department of His Majesty's Most Honourable Privy Council	11,217	1,928
8.	For the salaries and expenses of the office of the Committee of Privy Council for Trade, and subordinate departments	313,169	26,657
9.	For the salaries and expenses of certain services transferred from the Mercantile Marine Fund and other services connected with the Mercantile Marine (including Merchant Seamen's Fund Pensions)	105,347	62,950
10.	For meeting the deficiency of income from fees, &c. for the requirements of the Board of Trade, under the Bankruptcy Acts, 1883 and 1890	8	111,909
11.	For the salaries and expenses of the Board of Agriculture and Fisheries and of Royal Botanic Gardens, Kew, including certain grants in aid	148,124	33,350
12.	For the salaries and expenses of the Charity Commission for England and Wales	30,308	—
13.	For the salaries and expenses of the Civil Service Commission	40,178	—
14.	For the salaries and expenses of the department of the Comptroller and Auditor General	64,900	7,840
15.	For the salaries and expenses of the Registry of Friendly Societies	8,819	—
16.	For the salaries and expenses of the Local Government Board	241,500	5,300
17.	For the salaries and expenses of the office of the Commissioners in Lunacy in England	16,384	962
18.	For the salaries and expenses of the Mint, including the expenses of coinage	40	157,800
19.	For the salaries and expenses of the National Debt Office	14,420	3,018
20.	For the salaries and expenses of the Public Record Office and of the Office of Land Revenue Records and Inrolments	24,820	—
21.	For the salaries and expenses of the establishment under the Public Works Loan Commissioners	3,707	8,000
22.	For the salaries and expenses of the department of the Registrar General of Births, &c. in England	41,825	8,920
23.	For stationery, printing, paper, binding, and printed books, for the public service, for the salaries and expenses of the Stationery Office, and for sundry miscellaneous services, including reports of Parliamentary Debates (including a Supplementary sum of 5*l.*)	735,217	117,000

SCHED. (B.) PART 6. Civil Services, Class II.

No.		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
24.	For the salaries and expenses in the office of His Majesty's Woods, Forests, and Land Revenues	21,613	—
25.	For the salaries and expenses of the office of the Commissioners of His Majesty's Works and Public Buildings	89,693	—
26.	For His Majesty's foreign and other secret services	50,000	—
27.	For the salaries and expenses of the office of His Majesty's Secretary for Scotland and subordinate office, expenses under the Inebriates Acts, 1879 to 1900, and expenses under the Private Legislation Procedure (Scotland) Act, 1899, including a grant in aid of the Congested Districts (Scotland) Fund	36,600	2,550
28.	For the salaries and expenses of the Fishery Board for Scotland, and for grants in aid of piers or quays	21,998	—
29.	For the salaries and expenses of the Board of Lunacy in Scotland	6,401	525
30.	For the salaries and expenses of the department of the Registrar General of Births, &c. in Scotland	4,563	750
31.	For the salaries and expenses of the Local Government Board for Scotland	16,592	—
32.	For the salaries and expenses of the household of the Lord Lieutenant of Ireland	4,627	—
33.	For the salaries and expenses of the offices of the Chief Secretary to the Lord Lieutenant of Ireland, in Dublin and London, and of the Inspectors of Lunatic Asylums, and expenses under the Inebriates Acts	28,101	301
34.	For the salaries and expenses of the department of agriculture and other industries, and technical instruction for Ireland, and of the services administered by that department, including sundry grants in aid	215,788	2,690
35.	For the salaries and expenses of the office of the Commissioners of Charitable Donations and Bequests for Ireland	2,053	34
36.	For the salaries and expenses of the Local Government Board in Ireland	82,616	21,000
37.	For the salaries and expenses of the Public Record Office in Ireland and of the Keeper of State Papers in Dublin	5,625	—
38.	For the salaries and expenses of the Office of Public Works in Ireland	43,413	2,500
39.	For the salaries and expenses of the department of the Registrar General of Births, &c., and for the expenses of collecting emigration statistics in Ireland	12,338	800
40.	For the salaries and expenses of the general valuation and boundary survey of Ireland	22,147	9,600
	TOTAL CIVIL SERVICES, CLASS II. £	2,969,171	634,401

SCHEDULE (B.)—PART 7.

SCHED. (B.) PART 7. Civil Services. Class III.

CIVIL SERVICES.—CLASS III.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1909; viz.:—

No.		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
1.	For the salaries of the law officers department, the salaries and expenses of the department of the Solicitor for the affairs of His Majesty's Treasury, King's Proctor, and Director of Public Prosecutions, the costs of prosecutions, of other legal proceedings, and of Parliamentary Agency	84,190	15,500
2.	For certain miscellaneous legal expenses, including grants in aid of the expenses of the Incorporated Law Societies of England and Ireland	50,564	12,731
3.	For such of the salaries and expenses of the Supreme Court of Judicature as are not charged on the Consolidated Fund	339,867	53,930
4.	For the salaries and expenses of the office of Land Registry	37,750	—
5.	For the salaries and expenses of the office of Public Trustee	2,500	4,000
6.	For the salaries and expenses connected with the County Courts	5	496,542
7.	For the salaries of the Commissioner and Assistant Commissioners of the Metropolitan Police, and of the Receiver for the Metropolitan Police District, the pay and expenses of officers of Metropolitan Police employed on special duties, and the salaries and expenses of the Inspectors of Constabulary	39,858	77
8.	For the expenses of the prisons in England, Wales, and the Colonies	720,345	24,000
9.	For the salaries and expenses of the office of the Inspector of Reformatories and for the maintenance of juvenile offenders in reformatory, industrial, and day industrial schools and under the Youthful Offenders Act, in Great Britain	257,889	29,000
10.	For the maintenance of criminal lunatics in Broadmoor Criminal Lunatic Asylum	43,781	1,132
11.	For the salaries and expenses of the Lord Advocate's department and other law charges, and the salaries and expenses of the Courts of Law and Justice in Scotland	81,316	47,400
12.	For the salaries and expenses of the offices in His Majesty's General Register House, Edinburgh	41,966	—

SCHED. (B.) PART 7. Civil Services, Class III.

No.		Sums not exceeding: Supply Grants.	Sums not exceeding: Appropriations in Aid.
		£	£
13.	For the salaries and expenses of the Establishment of the Crofters' Commission - -	4,345	—
14.	For the salaries and expenses of the Prison Commissioners for Scotland, and of the prisons under their control, including the maintenance of criminal lunatics and inmates of the State inebriate reformatory, and the preparation of judicial statistics - -	95,790	5,756
15.	For criminal prosecutions and other law charges in Ireland - - - - -	63,078	490
16.	For such of the salaries and expenses of the Supreme Court of Judicature and of certain other legal departments in Ireland as are not charged on the Consolidated Fund - -	103,446	2,100
17.	For the salaries and expenses of the office of the Irish Land Commission - - -	270,978	11,100
18.	For the salaries, allowances, and expenses of various county court officers, and of magistrates in Ireland, and the expenses of revision	110,475	4,900
19.	For the salaries and expenses of the Commissioner of Police, the police courts and metropolitan police establishment of Dublin -	96,632	54,700
20.	For the expenses of the Royal Irish Constabulary	1,354,902	37,995
21.	For the expenses of the General Prisons Board in Ireland, and of the establishments under their control; the registration of habitual criminals and the maintenance of criminal lunatics confined in district lunatic asylums -	114,661	3,500
22.	For the expenses of reformatory and industrial schools in Ireland - - - -	110,225	1,650
23.	For the maintenance of criminal lunatics in the Dundrum Criminal Lunatic Asylum, Ireland	7,222	—
	TOTAL CIVIL SERVICES, CLASS III. - £	4,031,785	806,553

SCHEDULE (B.)—PART 8.

SCHED. (B.) PART 8. Civil Services Class IV.

CIVIL SERVICES.—CLASS IV.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1909; viz.:—

No.		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
1.	For the salaries and expenses of the Board of Education, and of the various establishments connected therewith, including grants for the Building of New Public Elementary Schools and sundry grants in aid	13,594,150	4,000
2.	For the salaries and other expenses of the British Museum, and of the Natural History Museum, including certain grants in aid	175,137	9,250
3.	For the salaries and expenses of the National Gallery, and of the National Gallery of British Art, Millbank, including a grant in aid for the purchase of pictures	24,414	2,000
4.	For the salaries and expenses of the National Portrait Gallery, including a grant in aid for the purchase of portraits	5,621	—
5.	For the salaries and expenses of the Wallace Collection	7,173	700
6.	For sundry grants in aid of scientific investigation, &c., and other grants	56,295	—
7.	For grants in aid of the expenses of certain Universities and Colleges in Great Britain and of the expenses under the Welsh Intermediate Education Act, 1889	221,800	—
8.	For public education in Scotland, and for Science and Art in Scotland, including a grant in aid	2,048,557	—
9.	For the Salaries and Expenses of the National Gallery, the Scottish National Portrait Gallery, and the Museum of Antiquities, including certain grants in aid	5,497	—
10.	For the expenses of the Commissioners of National Education in Ireland, including a grant in aid of the Teachers Pension Fund, Ireland (including a Supplementary sum of 114,000*l.*)	1,544,818	150
11.	For the expenses of the Office of the Commissioners for managing certain school endowments in Ireland	915	—
12.	For the salaries and expenses of the National Gallery of Ireland, including a grant in aid for the purchase of pictures	3,153	—
13.	For a grant in aid of the expenses of the Queen's Colleges in Ireland	4,700	6,750
	TOTAL CIVIL SERVICES, CLASS IV. £	17,692,230	22,850

SCHED. (B.) PART 9. Civil Services. Class V.

SCHEDULE (B.)—PART 9.

CIVIL SERVICES.—CLASS V.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1909; viz.:—

No.		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
1.	For the expenses in connection with His Majesty's embassies, missions, and consular establishments abroad, and other expenditure chargeable to the Consular Vote - -	573,103	104,320
2.	For sundry colonial services, including certain grants in aid - - - - -	1,142,376	—
3.	For the subsidies to certain Telegraph Companies, and a grant in aid of the annual expenses of the Pacific Cable - - -	67,133	55,932
4.	For a grant in aid of the Revenue of the Island of Cyprus - - - - -	50,000	—
	TOTAL CIVIL SERVICES, CLASS V. - £	1,832,612	160,252

SCHED. (B.) PART 10. Civil Services. Class VI.

SCHEDULE (B.)—PART 10.

CIVIL SERVICES.—CLASS VI.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1909; viz.:—

No.		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
1.	For superannuation, compensation, and compassionate allowances and gratuities under sundry Statutes, for compassionate allowances and gratuities awarded by the Treasury; and for the salaries of medical referees - - - - -	675,022	--

SCHED. (B.) PART 10. Civil Services. Class VI.

No.		Sums not exceeding: Supply Grants.	Sums not exceeding: Appropriations in Aid.
		£	£
2.	For certain miscellaneous charitable and other allowances	1,488	—
3.	For hospitals and infirmaries and certain miscellaneous charitable, and other allowances in Ireland, including sundry grants in aid	17,110	—
4.	For making good deficiencies on the Income Accounts of the Funds for Trustee Savings Banks, Friendly Societies, and Post Office Savings Banks	109,713	—
5.	For the payment of Old Age Pensions in the United Kingdom, and for administrative expenses in connection therewith	1,200,000	—
	TOTAL CIVIL SERVICES, CLASS VI. £	2,003,333	—

SCHEDULE (B.)—PART 11.

SCHED. (B.) PART 11. Civil Services. Class VII.

CIVIL SERVICES.—CLASS VII.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1909; viz.:—

No.		Sums not exceeding: Supply Grants.	Sums not exceeding: Appropriations in Aid.
		£	£
1.	For the salaries and other expenses of temporary commissions, committees, and special inquiries	50,000	—
2.	For certain miscellaneous expenses	12,607	5,850
3.	For making good certain sums written off from the assets of the Local Loans Fund	4,404	—
4.	For the Ireland Development Grant (Grant in Aid)	185,342	—
5.	For the repayment to the Civil Contingencies Fund of certain miscellaneous advances	41,491	—

SCHED. (B.) PART II. Civil Services. Class VII.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
No.	£	£
6. For contributions in aid of expenses under the Unemployed Workmen Act, 1905 - -	200,000	—
7. For certain expenditure, including sundry Grants in Aid, in connection with the Relief of Distress in Ireland - - - -	13,000	—
8. For the cost of Government Hospitality - -	5,000	—
TOTAL CIVIL SERVICES, CLASS VII. - £	511,844	5,850

SCHED. (B.) PART 12. Revenue Departments, &c.

SCHEDULE (B.)—PART 12.

REVENUE DEPARTMENTS, &c.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several REVENUE DEPARTMENTS, &c. herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1909; viz.:—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
No.	£	£
1. For the salaries and expenses of the Customs Department - - - - -	970,500	56,200
2. For the salaries and expenses of the Inland Revenue Department - - -	2,353,600	17,000
3. For the salaries and expenses of the Post Office, including Telegraphs and Telephones -	18,321,531	388,287
TOTAL REVENUE DEPARTMENTS - £	21,645,631	461,487

SCHEDULE (C.)

SCHED. (C.) Navy Services.

Number of Vote.	NAVY SERVICES, 1906-7. VOTES.	Surpluses.	Deficits made good from Surpluses.
		£ s. d.	£ s. d.
1	Wages, &c., of officers, seamen, and boys, Coast Guard, and Royal Marines	—	254,136 17 1
2	Victualling and clothing for the Navy	187,206 2 8	—
3	Medical establishments and services	22,225 13 8	—
4	Martial law	1,842 18 0	—
5	Educational services	9,894 19 7	—
6	Scientific services	2,771 14 8	—
7	Royal Naval Reserves	80,309 1 6	—
8	Shipbuilding, repairs, maintenance, &c. :		
	I. Personnel	—	82,848 1 11
	II. Matériel	—	264,933 12 10
	III. Contract work	199,886 1 10	—
9	Naval armaments	260,541 17 5	—
10	Works, buildings, and repairs, at home and abroad	194,528 0 11	—
11	Miscellaneous effective services	78,025 9 9	—
12	Admiralty Office	4,466 8 7	—
13	Half pay, reserved and retired pay	—	20,078 19 7
14	Naval and marine pensions, gratuities, and compassionate allowances	—	19,838 9 4
15	Civil pensions and gratuities	—	895 11 4
—	Amount written off as irrecoverable	—	1,554 0 6
	Total	1,041,698 8 7	644,285 12 7
	NET SURPLUS	£397,412 16 0	

SCHED. (C.) Army Services.

SCHEDULE (C.)

Number of Vote.	ARMY SERVICES, 1906-7. VOTES.	Surpluses.	Deficits made good from Surpluses.
		£ s. d.	£ s. d.
1	Pay, &c., of Army - - -	358,433 12 9	—
2	Medical establishment: Pay, &c.	44,876 13 4	—
3	Militia: Pay, bounty, &c. - -	41,127 7 2	—
4	Imperial Yeomanry: Pay and allowances - - - -	16,943 14 7	—
5	Volunteer corps: Pay and allowances - - - - -	30,198 4 1	—
6	Quarterings, transport and remounts - - - - -	107,764 3 7	—
7	Supplies and clothing - -	105,665 13 2	—
8	Ordnance Department establishments and general stores - -	128,775 0 10	—
9	Armaments and engineer stores -	366,429 11 4	—
10	Works and buildings - -	87,310 0 6	—
11	Establishments for military education - - - - -	—	2,323 6 8
12	Miscellaneous effective services -	24,390 16 4	—
13	War Office and Army Accounts Department - - -	4,229 10 11	—
14	Non-effective charges for officers, &c. - - - - -	20,563 15 6	—
15	Non-effective charges for men, &c.	—	32,744 16 2
16	Civil superannuation, compensation, compassionate allowances, and gratuities - - -	—	2,855 2 7
—	Balances irrecoverable - -	—	4,106 7 11
	Total - - -	1,336,708 4 1	42,029 13 4
	NET SURPLUS - -	£ 1,294,678 10 9	

CHAPTER 31.

An Act to regulate Whale Fisheries in Ireland.

[1st August 1908.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Prohibition of exercise of whaling

1. No person shall, in any part of Ireland, land any whale, or engage in any way in the manufacture from whales of oil

or other primary products, without a licence granted and issued subject to the conditions herein-after provided, and any person acting in contravention of this section shall be guilty of an offence under this Act, and shall be liable on summary conviction to a penalty not exceeding five hundred pounds. industry without licence.

2. It shall be lawful for the fishery authority to issue licences under this Act, subject to the following conditions :— Granting of licences by the fishery authority on certain conditions.

(1) A person applying to the fishery authority for a licence shall, at least two months before making such application, publish notice thereof once in each of two consecutive weeks, with an interval between each publication of not less than six days, in one or more newspaper or newspapers circulating in the district in which the factory or station existing or to be erected is situate: Such notice shall state the name and address of the applicant, and shall contain a description of the site or intended site of the factory or station where the process of manufacture as aforesaid is to be conducted :

(2) It shall be lawful for the council of any county, county district, or county borough in which the factory or station existing or to be erected is situate, or for any person interested, within fourteen days after the publication of such notice as aforesaid, to lodge with the fishery authority objections to the granting of any such licence, and the fishery authority shall consider any such objections, and, after such inquiry, if any, as they may think necessary, shall grant or refuse such licence :

(3) Each licence shall contain a description of the site of the factory or station erected or proposed to be erected as aforesaid, and no such factory or station shall be removed from the site in the said licence described to any other site, unless and until such other site shall have been approved by the fishery authority, and their approval shall have been endorsed on the licence :

(4) The licence shall specify the number of whaling steamers (not exceeding three) that may be used or employed by the holder, and no whaling steamer in excess of the number specified in the licence shall be used or employed by the holder :

(5) No licence shall be granted except to a British subject or to a company registered in Great Britain or Ireland :

(6) The fishery authority may at any time, on the application of the holder of a licence, cancel the licence ; but it shall not be lawful to transfer or assign any licence without the consent of the fishery authority, and any transfer or assignment shall be endorsed upon the licence :

(7) There shall be paid to the fishery authority in respect of every licence issued under the provisions of this Act a sum of two hundred pounds if the licence authorises the use or employment of three whaling steamers, the sum of one hundred and fifty pounds if the licence authorises the use or employment of two whaling steamers, and the sum of one hundred pounds if the licence authorises the use or employment of one whaling steamer, and such sum shall be paid to the fishery authority on the issue of the licence and thereafter annually during its continuance:

(8) Every licence shall be subject to all the conditions contained in this Act, or any byelaw made in pursuance of this Act, and it shall be lawful for the fishery authority, in the event of the infringement of any such condition by the holder of a licence, or of the conviction of such holder or any person employed by him of an offence under this Act, or under any byelaw made in pursuance of this Act, without compensation to cancel any licence or to suspend any licence for a specified period.

Offences by holder of licence and others.

3.—(1) No holder of a licence or person employed by him shall in the prosecution of the whaling industry use any vessel, other than the whaling steamer from or by which a whale shall have been captured or killed, for the purpose of bringing or towing such whale to or towards any factory or station for manufacture.

(2) Every whaling steamer employed by the holder of a licence shall carry such distinctive mark as the fishery authority, with the consent of the Board of Trade, may from time to time prescribe, and such mark shall be specified in the licence.

(3) No holder of a licence or person employed by him shall use, in the pursuit or capture of whales, any method or contrivance which does not include a harpoon with a whaling line attached thereto, and fixed or fastened to the whaling steamer from which the whale is captured or killed.

(4) No person shall pursue, kill, or shoot at any whale within three miles of low-water mark of any part of the coast of Ireland, and no holder of a licence or person employed by him shall pursue, kill, or shoot at any whale within the distance of one mile from any boat or vessel lying at anchor or engaged in fishing.

(5) No holder of a licence or person employed by him shall pursue, kill, or shoot whales between the first day of November in any year and the thirty-first day of March in the year following, both days inclusive; or during such other period of the year (not exceeding five weeks) within such distance (not exceeding twenty miles) of any particular part of the coast of Ireland as may be prescribed by the fishery authority, and no holder of a licence or person employed by him shall during

the prohibited period land any whale killed in contravention of this section.

(6) In this section the expression "mile" means a nautical mile.

(7) Any person acting in contravention of this section shall be guilty of an offence under this Act.

(8) Where a whale which has been lawfully shot at and struck shall carry with it a fixed line within an area prohibited in terms of this section, nothing in this section contained shall make it unlawful to continue the pursuit of such whale and to kill it in such area.

Inspection of whaling factories, &c.

4. Holders of licences and all persons employed by them shall give all reasonable facilities for inspection by the fishery authority, and the officers of that authority, of all factories or stations and vessels employed by the holders of licences, and shall make such returns on any matter connected with their whaling business as the fishery authority may from time to time prescribe, and, if required by the fishery authority, shall verify such returns by statutory declaration.

Saving for certain whales and whaling industries.

5. Nothing in this Act contained shall make it unlawful for any person to pursue any of the whaling industries commonly followed in Arctic or Antarctic waters, or to engage in the manufacture of oil or other products from whales captured in the exercise of any such industry.

Penalties.

6. Any person guilty of an offence under this Act shall, save as otherwise provided, be liable on conviction to a penalty not exceeding one hundred pounds.

Byelaws.

7.—(1) The fishery authority may make byelaws for all or any of the following purposes, that is to say:—

(*a*) Prohibiting the use of any engine or implement in the pursuit, capture, or towing of whales, or any method of whaling which is in the opinion of that authority injurious to fisheries;

(*b*) Regulating the methods of manufacturing oil or other products from whales and the disposal of refuse;

and, save as otherwise provided by this Act, the provisions with respect to byelaws contained in the Fisheries (Ireland) Act, 1842, (including penal provisions) shall apply with the necessary modifications to every such byelaw. 5 & 6 Vict. c. 108.

(2) By any byelaw made under this section the fishery authority may impose a fine for the breach of any such byelaw not exceeding ten pounds for any one offence and may direct the forfeiture or destruction of any engine or implement used or attempted to be used in contravention of any such byelaw, and every rope, line, tackle, warp, iron and other thing attached to or used with such engine or implement.

(3) Any engine, implement, rope, line, tackle, warp, iron or other thing which is under any such byelaw liable to be forfeited

or destroyed may be seized by any duly authorised officer of the fishery authority or any officer appointed by the fishery authority for the purposes of the Fisheries (Ireland) Act, 1842, and shall when seized be dealt with in the manner provided by section one hundred and three of the said Act, and for the purpose of such seizure any such officer may go on board any vessel engaged in whaling.

5 & 6 Vict. c. 106.

Legal proceedings and application of fees and penalties.

8.—(1) All offences under this Act may be prosecuted, and all penalties, costs, or expenses imposed or recoverable under this Act may be recovered in a summary manner, and a summons in respect of any such offence may be served upon the person to whom it is directed in any part of the United Kingdom.

(2) Section eighty-nine (which relates to the powers of officers) and section ninety-six (which relates to the jurisdiction of magistrates of maritime counties) of the Fisheries (Ireland) Act, 1842, shall apply, with the necessary modifications, for the purposes of this Act.

5 & 6 Vict. c. 106.

(3) All licence fees, penalties, and moneys paid or recovered under this Act shall, notwithstanding any provision in any other Act, be paid to the fishery authority, and shall be applied by that authority for the purposes of sea fisheries as defined by the Agriculture and Technical Instruction (Ireland) Act, 1899, or any Act amending that Act.

62 & 63 Vict. c. 50.

Interpretation.

9. In this Act the expression "whaling steamer" includes any ship used for the purpose of capturing or killing whales, whether propelled by steam power or otherwise; and the expression "fishery authority" means the Department of Agriculture and Technical Instruction for Ireland; and the expressions "county district" and "county borough" have the same meanings respectively as in the Local Government (Ireland) Act, 1898.

61 & 62 Vict. c. 37.

Application, commencement, and short title.

10.—(1) This Act shall apply to Ireland only and shall come into operation on the first day of January nineteen hundred and nine.

(2) This Act may be cited as the Whale Fisheries (Ireland) Act, 1908.

CHAPTER 32.

An Act to amend the Friendly Societies Act, 1896.

[1st August 1908.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Amendment of s. 8 of principal Act as to societies which

1. To the descriptions of societies which may be registered as friendly societies, contained in subsection (1) of section eight of the Friendly Societies Act, 1896 (herein-after referred to as

the principal Act), the following paragraph shall be added after paragraph (*e*) :— may be registered. 59 & 60 Vict. c. 25.

"or

(*f*) guaranteeing the performance of their duties by officers and servants of the society or any branch thereof."

2.—(1) A person of or under one year of age may be admitted as a member of a registered society or branch, and accordingly in section thirty-six of the principal Act (which relates to the membership of minors) the words "but above one year of age" shall be repealed. Membership of minors under the age of one year.

(2) Where the rules of a registered friendly society or branch, in force at the commencement of this Act, provide for the admission as members of persons from the minimum age authorised by the principal Act, the rules shall be construed as providing for the admission as members of persons from birth.

3. In section forty-one of the principal Act "three hundred pounds" shall be substituted for "two hundred pounds," and "fifty-two pounds" for "fifty pounds," as the maximum amount a member or person claiming through a member of a registered friendly society or branch is entitled to receive by way of gross sum and by way of annuity respectively. Limitation of benefits.

4. In subsection (1) of section forty-four of the principal Act (which relates to the manner in which the funds of registered societies and branches may be invested) the following paragraph shall be added after paragraph (*e*) :— Powers to invest funds in trust securities.

"or

(*f*) in any investment in which trustees are for the time being by law authorised to invest trust funds."

5. The following subsection shall be added to section fifty-six of the principal Act (which relates to the power of members to dispose by nomination of sums payable on death) : Nominations by members of branches.

(6) A nomination or a variation or revocation of a nomination by writing under the hand of a member of a registered branch and delivered at or sent to the registered office of that branch, or made in a book kept at that office, shall be effectual notwithstanding that the money to which the nomination relates or some part thereof is not payable by that branch, but is payable by the society or some other branch.

6. In section sixty-eight of the principal Act (which relates to the decision of disputes) the words "for not more than six months" shall be repealed in paragraph (*b*) of subsection (1), and at the end of the section the following new subsection shall be added :— Disputes.

"(8) In this section the expression 'dispute' includes any dispute arising on the question whether a member or person aggrieved is entitled to be or to continue

to be a member or to be reinstated as a member, but, save as aforesaid, in the case of a person who has ceased to be a member, does not include any dispute other than a dispute on a question between him and the society or branch or an officer thereof which arose whilst he was a member, or arises out of his previous relation as a member to that society or branch."

Preliminary expenses of investigations, &c.

7. In subsection (4) of section seventy-six of the principal Act (which relates to the expenses of inspections and special meetings) after the word "incidental" there shall be inserted the words "or preliminary."

Notice of investigation with a view to dissolution.

8. In section eighty of the principal Act, "one month" shall be substituted for "two months," as the length of notice to be given to a registered society or branch whose affairs are to be investigated upon an application for dissolution under that section.

Misapplication of property.

9. To subsection (3) of section eighty-seven of the principal Act (which relates to the punishment of fraud, false declaration and misappropriations) the following proviso shall be added:—

Provided that where on such a complaint against a person of withholding or misapplying property, or applying it for unauthorised purposes, it is not proved that that person acted with any fraudulent intent, he may be ordered to deliver up all such property or to repay any sum of money applied improperly, with costs, but shall not be liable to conviction, and any such order shall be enforceable as an order for the payment of a civil debt recoverable summarily before a court of summary jurisdiction.

Recovery of costs and expenses.

10. To section ninety-one of the principal Act (which relates to the recovery of fines) the following subsection shall be added:—

"(3) Any costs or expenses ordered or directed by the chief or other registrar to be paid by any person under this Act shall be recoverable summarily before a court of summary jurisdiction as a civil debt."

Legal proceedings.

11. At the end of section ninety-four of the principal Act (which relates to legal proceedings) the following subsections shall be added:—

"(6) Where proceedings are taken against a society or branch for the recovery of any fine under this Act the summons or other process shall be sufficiently served by leaving a true copy thereof at the registered office of the society or branch, or at any place of business of the society or branch, within the jurisdiction of the court in which the proceeding is brought, or, if that office or place of business is closed, by posting the copy on the outer door of that office or place of business:

"(7) Where the person against whom the proceedings are to be taken is himself a trustee of a society or branch the proceedings may be brought by the other trustees or trustee of the society or branch."

Application to the Isle of Man.

12. At the end of section one hundred and three of the principal Act the following paragraph shall be added :—

(7) Any sum recoverable summarily as a civil debt shall be recoverable in accordance with the law and procedure in force in the Isle of Man for the recovery of civil debts.

Definition of "signed."

13. At the end of section one hundred and six of the principal Act (which contains definitions) the following definition shall be added :—

The expression "signed" in relation to a body corporate shall mean sealed.

Short title, construction, commencement, and printing.

14.—(1) This Act may be cited as the Friendly Societies Act, 1908, and the principal Act and this Act may be cited together as the Friendly Societies Acts, 1896 and 1908.

(2) This Act shall come in operation on the first day of January nineteen hundred and nine.

(3) Every enactment and word which is expressed to be substituted for or added to any portion of the principal Act shall form part of that Act in the place assigned to it by this Act, and that Act, and all Acts, including this Act, which refer thereto shall, as from the commencement of this Act, be construed as if the said enactment or word had been originally enacted in the principal Act in the place so assigned, and, where it is substituted for another enactment or word, had been so enacted in lieu of that enactment or word, and the expression "this Act," as used in the principal Act or this Act, shall be construed accordingly.

(4) A copy of the principal Act with every such enactment and word inserted in the place so assigned, and with the omission of the parts expressly repealed by this Act, and with the subsections and paragraphs numbered and lettered in manner directed by this Act, shall be prepared and certified by the Clerk of the Parliaments, and deposited with the rolls of Parliament; His Majesty's printer shall print in accordance with the copy so certified all copies of the principal Act which are printed after the commencement of this Act.

CHAPTER 33.

An Act to amend the Telegraph Acts, 1863 to 1907, with respect to the Construction and Maintenance of Telegraphic Lines for telephonic and other telegraphic purposes. [1st August 1908.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Use of land near road for telegraphic line.

1. If the owner, lessee, or occupier of any hedge or bank which forms the boundary of any street or public road along which the Postmaster-General desires to construct or maintain or is constructing or maintaining a telegraphic line, or of any land (being within twenty feet of any such street or road and not being common land or land dedicated to the recreation of the public) which is not enclosed on the side of the street or road, refuses or fails to give his consent to the construction of the line on, over, along, or across the hedge, bank, or land, within one month after being required to do so by notice from the Postmaster-General, a difference shall be deemed to have arisen between the Postmaster-General and that owner, lessee, or occupier, and sections three, four, and five of the Telegraph Act, 1878, shall apply accordingly as if it were a difference arising under that Act.

41 & 42 Vict. c. 76.

Flying wires over land adjoining road. 26 & 27 Vict. c. 112. 55 & 56 Vict. c. 59.

2. Those provisions of section twenty-one of the Telegraph Act, 1863, which (as amended by section three of the Telegraph Act, 1892) are not of general application, shall be of general application, and extend to rural districts and to public roads as well as to streets; but, in the case of a street or public road in a rural district, the publication of notice required under section twenty-three of the Telegraph Act, 1863, shall be substituted for the publication of notice under section twenty-one of that Act.

Public recreation grounds.

3. Notwithstanding the provisions of this Act no telegraphic line shall be constructed on, over, along, or across any land dedicated to the recreation of the public, or any hedge or bank adjoining such land, without the consent of the person under whose control and management such land for the time being remains. Provided that if such consent is withheld or any condition is attached thereto to which the Postmaster-General objects, a difference shall be deemed to have arisen between the Postmaster-General and that person, and sections three, four, and five of the Telegraph Act, 1878, shall apply accordingly as if it were a difference arising under that Act.

Extension of s. 2 of Telegraph Act, 1892. 55 & 56 Vict. c. 59.

4. The provisions of section two of the Telegraph Act, 1892, shall apply where, on the application of the Postmaster-General, the Railway and Canal Commission are satisfied, that owing to the refusal or failure of any person, being the occupier, lessee, or owner of any land or building, to consent to the construction or maintenance of a work by the Postmaster-General, telegraphic communication cannot be supplied to any district or place, except at unreasonable cost or on unreasonable conditions.

Lopping of trees which obstruct a telegraphic line on a street or road.

5.—(1) Where any tree overhangs any street or public road and obstructs or interferes with the working of any telegraphic line constructed along that street or road or will obstruct or interfere with the working of any telegraphic line about to be so constructed, the Postmaster-General may give notice to the owner and to the occupier of the land on which the tree is growing, requiring the tree to be lopped so as to prevent the obstruction or interference.

(2) If within one month from the service of notice by the Postmaster-General the owner or the occupier of the land on which the tree is growing gives a counter-notice to the Postmaster-General objecting to the lopping of the tree, a difference shall be deemed to have arisen between the Postmaster-General and that owner or occupier, and sections four and five of the Telegraph Act, 1878, shall apply accordingly as if it were a difference under that Act.

(3) If on the expiration of one month after notice is given by the Postmaster-General under this section, neither the owner nor the occupier has complied with the notice, or given a counter-notice under this section, or if the authority determining a difference under this section make an order in that behalf, the Postmaster-General may himself cause the tree to be lopped, and section seven of the Telegraph Act, 1863 (which relates to compensation), shall apply to the exercise of that power by the Postmaster-General.

(4) The Postmaster-General shall issue instructions to his officers with a view to ensuring that trees shall be lopped in a husbandlike manner and so as to avoid injury to their growth.

Determination of differences. 51 & 52 Vict. c. 25.

6. Notwithstanding anything in the Railway and Canal Traffic Act, 1888, any difference directed to be determined by the Railway and Canal Commission under the Telegraph Acts, 1863 to 1907, or this Act, may in the discretion of the Commission be heard and determined by the two appointed Commissioners, whose order shall be deemed to be the order of the Commission.

Extension of s. 4 (2) of Telegraph Act, 1892.

7. The provisions of subsection two of section four of the Telegraph Act, 1892, shall be deemed to extend to telegraphs placed and maintained under a street or public road.

Saving for canals.

8. Nothing in this Act shall apply to the undertaking of any canal company authorised by an Act of Parliament.

Interpretation, notices, and short title.

9.—(1) In this Act any expressions to which a special meaning is attached under the Telegraph Acts, 1863 to 1907, or any of them, shall have the same respective meanings in this Act; and the expression "hedge" or "bank" includes any ditch adjoining to the hedge or bank and forming part of the boundary of the street or public road, as if it was part of the hedge or bank.

(2) Section twelve of the Telegraph Act, 1878 (which relates to the printing, authentication, and service of notices and other documents), shall apply for the purposes of this Act as it applies for the purposes of that Act.

(3) This Act may be cited as the Telegraph (Construction) Act, 1908, and may be cited with the Telegraph Acts, 1863 to 1907.

CHAPTER 34.

An Act to prevent the spread of Bee Pest or Foul Brood in Ireland. [1st August 1908.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Notification of bee pest or foul brood.

1.—(1) If any person keeping or having charge of bees becomes aware that the bees, or any of them, are affected with the disease known as bee pest or foul brood, he shall forthwith give notice of that fact to the local authority of the district in which the bees are kept.

(2) If any person required to give notice under this section fails to give the notice forthwith, he shall be guilty of an offence under this Act, and shall be liable, on summary conviction, to a penalty not exceeding five pounds.

Inspection of bees.

2.—(1) Any officer of the Department of Agriculture and Technical Instruction for Ireland (in this Act referred to as "the Department") charged with agricultural duties and authorised in writing in that behalf by the Department, and, within the district of any local authority, any person authorised in writing in that behalf by the local authority, shall have power to enter at all reasonable times any premises where bees are kept, and to inspect any bees and articles and appliances used in connection with bee-keeping.

(2) If any person refuses to allow any such officer or authorised person to enter any premises which he is entitled to enter under this section, or obstructs or impedes him in the execution of his duty, he shall be guilty of an offence under this Act, and shall be liable, on summary conviction, to a penalty not exceeding ten pounds.

Destruction of bees and articles infected or supposed to be infected.

3.—(1) The Department, and, within the district of any local authority, the local authority, may, if they think fit, cause to be destroyed any bees and articles and appliances used in connection with bee-keeping which are infected with bee pest or foul brood, or suspected of being so infected.

(2) For the purposes of this section, the Department or the local authority may, if they think fit, serve a notice in writing upon the person keeping or having charge of any such bees, articles, or appliances, requiring him to destroy the same within the period specified in the notice; and, if any such person upon whom a notice is served fails to destroy the bees, articles, and appliances mentioned in the notice within the period therein specified, he shall be guilty of an offence under this Act and shall be liable, on summary conviction, to a penalty not exceeding ten pounds.

Infected areas.

4. The Department may at any time, if they think fit, upon any evidence satisfactory to them, by order, declare any area to

be an area infected with bee pest or foul brood, and may cause to be destroyed any bees and articles and appliances used in connection with bee-keeping within that area; and the provisions of the last preceding section relative to notices, including penal provisions, shall apply in the case of every person keeping or having charge of any bees or articles or appliances used in connection with bee-keeping within that area.

Penalties.

5. Any person who knowingly removes from his premises, or sells or disposes of to any other person, or imports into any district, any bees infected with bee pest or foul brood, or any article or appliance used in connection with bee-keeping and infected with that disease, shall be guilty of an offence under this Act, and shall be liable on summary conviction to a penalty not exceeding, for the first offence, five pounds, and for the second or any subsequent offence, ten pounds.

Compensation.

6.—(1) Subject to the provisions of this section, compensation may be paid to the owner of any bees, articles, or appliances destroyed under this Act, if the Department, with the consent of the local authority of the district within which the bees, articles or appliances were kept, so directs, and the compensation shall be payable by such local authority accordingly.

(2) The amount of the compensation shall be determined in accordance with a scale to be prescribed by the Department, and shall in no case exceed one half of the value of the bees, articles and appliances immediately before their destruction.

(3) The consent of the local authority shall be signified by a resolution of the authority consenting generally to the payment of compensation, in accordance with the provisions of this section, in every case to which the section applies.

Prohibition of bee-keeping on infected premises.

7.—(1) The Department may, by order, prohibit the keeping of bees for such period as they think fit upon any premises upon which any bees, articles, or appliances have been destroyed under this Act.

(2) Any person keeping bees contrary to an order made by the Department under this section shall be guilty of an offence under this Act, and shall be liable, on summary conviction, to a penalty not exceeding ten pounds.

Regulations.

8. The Department may make regulations—

(*a*) With respect to the manner in which notices are to be given under this Act;

(*b*) With respect to the method of cleaning, disinfection or the destruction of bees, articles, and appliances under this Act, and the making and determination of claims for compensation; and

(*c*) Generally for the purpose of carrying this Act into effect.

Section one of the Rules Publication Act, 1893, shall not apply to any regulations made in pursuance of this section. 56 & 57 Vict. c. 66.

Appointment of officers by local authorities.

9. A local authority may, with the consent of the Department, appoint one or more officers for the purpose of the execution of this Act having such qualifications and upon such terms as to remuneration and otherwise as the Department approve.

Local authorities and expenses.

10.—(1) The local authority for the purposes of this Act shall—

(*a*) as respects the rural districts of any administrative county, be the county council;

(*b*) as respects an urban district or county borough, be the council of the district or borough.

(2) The expenses incurred by or on behalf of a local authority in the execution of this Act, including compensation, shall be defrayed in the case of the council of a county other than a county borough out of the funds at the disposal of the council for the purposes of agriculture and other rural industries, and, in the case of the council of an urban district or county borough, out of any rate or fund applicable to the purposes of the Public Health (Ireland) Acts, 1878 to 1907, as if incurred for those purposes.

Exercise of powers of county councils by committees for the purposes of Part I. of 62 & 63 Vict. c. 50.

11. The powers and duties of the council of every county other than a county borough under this Act shall be exercised and discharged by and through the committee appointed by the council for the purposes of Part I. of the Agriculture and Technical Instruction (Ireland) Act, 1899.

Prosecution of offences.

12.—(1) Any offence under this Act may be prosecuted, and any penalty recoverable under this Act may be recovered in a summary manner.

(2) A prosecution for an offence under this Act may be instituted, and a penalty recoverable under this Act may be recovered, either by the Department or the local authority.

(3) All penalties recovered under this Act shall, notwithstanding any provision in any other Act, be paid to the body by whom the prosecution is instituted under this section, and shall be applied in aid of the expenses of that body in the execution of this Act.

Extent, citation, and commencement.

13. This Act shall apply to Ireland only, and may be cited as the Bee Pest Prevention (Ireland) Act, 1908, and shall come into operation on the first day of January one thousand nine hundred and nine.

CHAPTER 35.

An Act to confer upon County Councils in Ireland the power to alter the Polling Districts and alter the method of compiling Lists of Voters.

[1st August 1908.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Alteration of polling districts.

1. Subject to the provisions of this Act, any county council in Ireland may alter any Parliamentary polling districts wholly included within its administrative county in such manner as to secure that each Parliamentary polling district constituted under this Act shall consist wholly of one or more district electoral divisions, and may appoint new polling places for such districts in addition to or in substitution for existing polling places: Provided that nothing in this Act, nor anything done in pursuance of this Act, shall alter the limits of any Parliamentary borough or Parliamentary county or Parliamentary division thereof.

Procedure.

2.—(1) A county council that desires to exercise any of its powers under section one of this Act shall prepare a scheme in the prescribed manner, setting forth the alterations proposed to be made in respect of the existing polling districts or polling places, and after publication of the prescribed notices shall submit the scheme to the Local Government Board.

(2) Any person dissatisfied with the scheme may appeal to the Local Government Board against the scheme within the prescribed time and in the prescribed manner.

(3) The Local Government Board, after consideration of the scheme and any representations made by way of appeal or otherwise, may, if they think fit, make an order confirming the scheme either absolutely or with such variations or modifications as they think expedient, and the scheme shall take effect accordingly as from the date fixed by the Order.

(4) No scheme shall be of any force or validity unless and until it is confirmed by an Order of the Local Government Board under this section.

(5) The Lord Lieutenant in Council may make rules for adapting to the provisions of this Act the enactments relating to the registration of Parliamentary electors in Ireland, and the precepts and forms contained in or used under those enactments.

Alteration in method of compiling register.

3. Any county council in Ireland may, with the sanction of the Local Government Board, arrange to have the register of voters, or any part of the register, prepared alphabetically in townlands or, as regards urban districts, in streets.

Rules and inquiries.

4.—(1) The Local Government Board may make general rules for carrying this Act into effect.

(2) The Local Government Board may, for the purpose of carrying out any of their duties under this Act, cause to be made a local inquiry, and the provisions of article thirty-two of the schedule of the Local Government (Application of Enactments) Order, 1898, shall apply to every such inquiry in like manner as it applies to local inquiries held for the purposes of the Local Government (Ireland) Act, 1898. 61 & 62 Vict. c. 37.

(3) All rules under this section shall be published in the Dublin Gazette and laid before Parliament.

Definitions.

5. In this Act, unless the context otherwise requires—

The expression "Local Government Board" means the Local Government Board for Ireland;

The expression "prescribed" means prescribed by the Local Government Board;

The expression "county council" shall not include the council of a county borough.

Short title.

6. This Act shall apply to Ireland only and may be cited as the Polling Districts and Registration of Voters (Ireland) Act, 1908.

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CHAPTER 36.

An Act to consolidate the enactments with respect to Small Holdings and Allotments in England and Wales.

[1st August 1908.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

PART I.

SMALL HOLDINGS.

Provision of Small Holdings.

Powers and duties of providing small holdings.

1. A county council may if they are of opinion that there is such a demand for small holdings in their county as justifies them in putting into operation this Part of this Act, and shall, if so required by a scheme under this Act, provide small holdings for persons who desire to buy or lease and will themselves cultivate the holdings.

Schemes as to the provision of Small Holdings.

Appointment of Small Holdings Commissioners, &c.

2.—(1) With a view to extending the provision of small holdings, there shall continue to be Small Holdings Commissioners (herein-after referred to as "the Commissioners"), and the Board of Agriculture and Fisheries (herein-after referred to as "the Board") may appoint two or more persons possessed of a knowledge of agriculture to be Commissioners and may appoint such other officers for the purposes of this Act as the Board may, with the consent of the Treasury, determine.

(2) There shall continue to be paid out of money provided by Parliament to the Commissioners and officers so appointed such salaries or remuneration as the Treasury may from time to time determine; and all expenses incurred by those Commissioners and officers in the execution of their duties under this Act, to

such amount as may be sanctioned by the Treasury, shall (except as otherwise expressly provided by this Act) continue to be defrayed out of money provided by Parliament.

Inquiries and reports by Commissioners.

3.—(1) The Commissioners, acting under the directions of the Board, shall ascertain the extent to which there is a demand for small holdings in the several counties or would be a demand if suitable land were available, and the extent to which it is reasonably practicable, having regard to the provisions of this Act, to satisfy any such demand, and for that purpose shall confer with the county councils and may co-operate with such other authorities, associations, and persons as they think best qualified to assist them, and take such other steps as they think necessary.

(2) The council of any county, borough, district, or parish may make representations to the Commissioners in respect of any such matters as aforesaid, and it shall be the duty of every council to furnish the Commissioners with such information, and to give them such other assistance, as they may reasonably require for the purposes of this section.

(3) The Commissioners shall report the information acquired by them respecting any county to the Board, and shall state whether it is desirable, in the opinion of the Commissioners, that such a scheme as is herein-after mentioned should be made, and may indicate the nature of the proposals which the Commissioners consider ought to be embodied in the scheme.

(4) If in the course of their inquiries the Commissioners receive any information as to the existence of a demand for allotments, they shall communicate the information to the councils of the county, and of the borough, urban district, or parish concerned.

Preparation of draft schemes.

4.—(1) Where the Board, after considering the report and such representations as aforesaid as respects any county, are of opinion that it is desirable that a scheme should be made, the Board shall forward the report of the Commissioners with such modifications or observations (if any) as the Board think desirable to the county council, and it shall be the duty of the county council to prepare one or more draft schemes to give effect to the report, subject to such modifications (if any) as aforesaid, or to such other modifications as the Board may make after considering any representations submitted to them by the county council, and in preparing the drafts the council shall have regard to the proposals (if any) of the Commissioners indicated in the report.

(2) If the county council decline to undertake this duty, or within six months after receiving the report or within such extended time as may be allowed by the Board, fail to prepare such one or more draft schemes as appear to the Board desirable, the Board may direct the Commissioners to prepare one or more draft schemes.

(3) A county council, if they think fit, may, without receiving any such report as aforesaid, prepare one or more draft schemes for the provision of small holdings for their county.

(4) A draft scheme under this section may specify—

(*a*) the localities in which land is to be acquired for small holdings;

(*b*) the approximate quantity of land to be acquired, and the number, nature, and size of the small holdings to be provided, in each locality;

(*c*) whether, and to what extent, grazing or other similar rights, to be defined in the scheme, should be attached to the small holdings created in pursuance of the scheme, and, if so, the approximate quantity of land or extent and nature of the rights to be acquired for the purpose;

(*d*) the time within which the scheme or any part thereof is to be carried into effect;

and the scheme may contain such incidental, consequential, or supplemental provisions (including provisions as to the subsequent variation of the scheme) as may appear necessary or proper for the purposes of the scheme.

(5) Where the Commissioners report or the county councils concerned are of opinion that a scheme should be made affecting two or more counties, the scheme may be prepared by the councils jointly, and may provide for joint action being taken by the councils.

Procedure as to schemes.

5.—(1) A copy of any draft scheme shall if prepared by a county council be sent to the Board, and if prepared by the Commissioners be sent to the Board and to any county council concerned, and the draft scheme and any modifications therein which the Board may propose to make shall be published and advertised together with notice of the time within and manner in which objections are to be sent to the Board in such manner as the Board think best adapted for informing the persons affected and for insuring publicity.

(2) The Board shall consider the draft scheme and any objections thereto duly made, and may in any case and shall if the county council object to the scheme, or, in the case of a scheme prepared by the council, to any modifications therein which the Board propose to make, hold a public local inquiry, at which the county council, and such other persons as the person holding the inquiry may in his discretion think fit to allow, shall be permitted to appear and be heard.

(3) The Board, after considering the objections and the report of the person holding the inquiry (if any), may settle and confirm the scheme either without modification or subject to such modifications as the Board think fit, or may annul the scheme.

Duty of councils to carry schemes into effect.

6.—(1) It shall be the duty of a county council on which obligations are imposed by a scheme to carry them into effect within such time as may be specified in the scheme, or within such further time as may be allowed by the Board, and for that purpose the council may exercise any of the powers conferred on them by the provisions of this Act relating to small holdings.

(2) If the county council fail so to fulfil their obligations, the Board shall by order direct the Commissioners to take such steps as may be necessary for carrying the scheme into effect, and upon such order being made the Commissioners shall for the purpose have all the powers of a county council under the provisions of this Act relating to small holdings, and those provisions shall apply as if references to the Commissioners were substituted for references to a county council:

Provided that such expenses of the Commissioners as the Board certify to have been incurred by the Commissioners in the exercise of such powers in relation to any scheme and to be properly payable by the county council shall on demand be repaid to the Board by the county council in default out of the county fund, and shall be recoverable as a debt due to the Crown, and such sums as the Board certify to have been received by the Commissioners in respect of any land acquired shall be paid to the council.

(3) Any order made by the Board directing the Commissioners to carry a scheme into effect shall be laid before both Houses of Parliament as soon as may be after it is made.

(4) If it appears to the Board that the carrying out of a scheme under this Act has resulted or is likely to result in a loss, the Board may, with the consent of the Treasury, pay or undertake to pay out of the Small Holdings Account the whole or any part of that loss.

Powers of County Councils in relation to the provision of Small Holdings.

Power to acquire land for small holdings.

7.—(1) A county council may, for the purpose of providing small holdings for persons who desire to buy or lease and will themselves cultivate the holdings, by agreement purchase or take on lease land, whether situate within or without their county.

(2) If a county council are unable to acquire by agreement and on reasonable terms suitable land for the purpose of providing small holdings for persons who desire to lease small holdings, they may for that purpose acquire land compulsorily in accordance with the provisions of this Act relating to compulsory acquisition of land.

(3) A county council shall not acquire land for small holdings save at such price or rent that, in the opinion of the council, all expenses incurred by the council in relation to the land will be recouped out of the purchase money for the land sold by the council, or in the case of land let out of the rent, and the

council shall fix the purchase money or rent at such reasonable amount as will, in their opinion, guard them against loss.

Adaptation of land for small holdings.

8.—(1) A county council may, if they think fit, before sale or letting, adapt for small holdings any land acquired by them for that purpose, by dividing and fencing it, making occupation roads, and executing any other works, such as works for the provision of drainage or water supply, which can in the opinion of the council be more economically and efficiently executed for the land as a whole.

(2) A county council may also, if they think fit, as part of the agreement for the sale or letting of a small holding, adapt the land for a small holding by erecting thereon such buildings, or making such adaptations of existing buildings, as in their opinion are required for the due occupation of the holding, and cannot be made by the purchaser or tenant.

Sale or letting of small holdings.

9.—(1) A county council shall apportion the total cost of the acquisition of the land, and of any adaptation thereof, among the several holdings in such manner as seems just, and shall, save as herein-after mentioned, offer the small holdings for sale or letting in accordance with rules under this Part of this Act.

(2) A county council shall have power—

(*a*) to sell or to let one or more small holdings to a number of persons working on a co-operative system, provided such system be approved by the county council; and

(*b*) with the consent of the Board, to let one or more small holdings to any association formed for the purposes of creating or promoting the creation of small holdings, and so constituted that the division of profits amongst the members of the association is prohibited or restricted.

(3) The cost of acquisition and adaptation shall for the purposes of this section include every expense incurred by the council in relation to the land, inclusive of any allowance to any officers of the council for work done in relation thereto.

Rules as to mode and conditions of sale and letting.

10.—(1) A county council acquiring land for small holdings shall make rules for carrying into effect the provisions of this Act relating to small holdings and in particular—

(*a*) as to the manner in which holdings are to be sold or let or offered for sale or letting; and

(*b*) as to the notice to be given of the offer for sale or letting; and

(*c*) for guarding against any small holding being let or sold to a person who is unable to cultivate it properly, and otherwise for securing the proper cultivation of a holding; and

(*d*) for prescribing the terms and conditions on or subject to which small holdings are to be sold or let by the county council.

(2) All rules made under this section shall be subject to confirmation by the Board.

Regulations as to purchase money and sale.

11.—(1) The purchase money for each small holding sold by a county council shall include the costs of registration of title, but shall not include any expense incurred by the purchaser for legal or other advice or assistance.

(2) A purchaser shall, within such time, not less than one month after the agreement for purchase, as is fixed by rules under this Act, complete the purchase.

(3) On such completion he shall pay not less than one fifth of the purchase money.

(4) A portion representing not more than one fourth of the purchase money may, if the county council think fit, be secured by a perpetual rentcharge which shall be redeemable in manner directed by section forty-five of the Conveyancing and Law of Property Act, 1881, with respect to rentcharges to which that section applies.

44 & 45 Vict. c. 41.

(5) The residue (if any) of the purchase money shall be secured by a charge on the holding in favour of the council, and shall either be repaid by half-yearly instalments of principal with such interest, and within such term not exceeding fifty years from the date of the sale, as may be agreed on with the council, or shall, if the purchaser so requires, be repaid with such interest and within such term as aforesaid by a terminable annuity payable by equal half-yearly instalments. The amount for the time being unpaid may at any time be discharged, and any such terminable annuity may at any time be redeemed, in accordance with tables fixed by the county council.

(6) A council may, if they think fit, agree to postpone for a term not exceeding five years the time for payment of all or any part of an instalment either of principal or interest or of a terminable annuity, in consideration of expenditure by the purchaser which, in the opinion of the council, increases the value of the holding, but shall do so on such terms as will, in their opinion, prevent them from incurring any loss.

(7) A small holding may be sold subject to such rights of way or other rights for the benefit of other small holdings as the council consider necessary or expedient.

Conditions affecting small holdings.

12.—(1) A small holding sold by a county council under this Act or any enactment repealed by this Act shall for a term of twenty years from the date of the sale, and thereafter so long as any part of the purchase money remains unpaid, be held subject to the following conditions :—

(*a*) any periodical payments due in respect of the purchase money shall be duly made ;

(*b*) the holding shall not be divided, subdivided, assigned, let, or sublet without the consent of the county council ;

(*c*) the holding shall be cultivated by the owner or occupier as the case may be, and shall not be used for any purpose other than agriculture ;

(*d*) not more than one dwelling-house shall be erected on the holding;

(*e*) any dwelling-house erected on the holding shall comply with such requirements as the county council may impose for securing healthiness and freedom from overcrowding;

(*f*) no dwelling-house or building on the holding shall be used for the sale of intoxicating liquors;

(*g*) in the case of any holding on which, in the opinion of the county council, a dwelling-house ought not to be erected, no dwelling-house shall be erected on the holding without the consent of the county council:

Provided that a county council may, if they think fit, relax the condition that not more than one dwelling-house shall be erected on a holding, if in their opinion such relaxation will be for the benefit of that or adjacent small holdings provided by the council, but so that the council shall not authorise more than one dwelling-house to be erected for occupation with any one small holding.

(2) If any such condition is broken, the council may, after giving the owner an opportunity of remedying the breach (if it is capable of remedy), cause the holding to be sold.

(3) If, on the decease of the owner while the holding is subject to the conditions imposed by this section, the holding would, by reason of any devise, bequest, intestacy, or otherwise, become subdivided, the council may require the holding to be sold within twelve months after such decease to some one person, and, if default is made in so selling the holding, the council may cause the holding to be sold.

(4) Where under either of the two preceding subsections a county council have power to cause or require a small holding to be sold, the council may, in the event of their requiring such holding for the purposes of small holdings, by notice in writing require the holding to be sold to themselves at such price as, in default of agreement, may be determined by arbitration, and thereupon the council shall, after such date as may be specified by the notice, and on production to the registrar of the land registry of evidence of service of the notice and of the payment of the sum so agreed or determined, or of the tender of such payment, be registered as the proprietor of the land in place of the registered proprietor, and such registration shall operate as a registration on a transfer for valuable consideration under the Land Transfer Acts, 1875 and 1897.

38 & 39 Vict. c. 87.
60 & 61 Vict. c. 65

A notice for the purposes of this subsection shall be deemed to be sufficiently served if sent by registered post addressed to the owner or the personal representatives of the deceased owner at his registered address or at his last known place of abode.

This subsection shall not apply in the case where a small holding has been let by a county council.

(5) Any sale by a county council under this section may be made either subject to the charge in respect of purchase money or free, wholly or partly, from that charge, and in either case the provisions of this Act with respect to the purchase money shall apply in like manner as if the sale were the first sale of the holding.

(6) The proceeds of the sale shall be applied in discharge of any unpaid purchase money for the holding, or redemption of any rentcharge or terminable annuity which is not to continue a charge on the holding, and, subject as aforesaid, shall be paid to the person appearing to the council to be entitled to receive the same.

(7) A county council may, under special circumstances, to be recorded in their minutes, sell or consent to the sale under this section of a small holding free from all or any of the conditions imposed by this section, and may give such consent on such terms as they think fit.

(8) A small holding let by a county council shall be held subject to the conditions on which it would under this section be held if it were sold, except so far as those conditions relate to the purchase money, and except so far as is otherwise expressly provided by this section; and, if any such condition or any term of the letting is broken, the council may, after giving the tenant an opportunity of remedying the breach (if it is capable of remedy), determine the tenancy.

(9) Nothing in or done under this section shall derogate from the effect of any building or sanitary byelaws for the time being in force.

Registration of title to small holdings. 38 & 39 Vict. c. 87. 60 & 61 Vict. c. 65.

13.—(1) Where a county council have purchased land for small holdings, they shall apply to be registered as proprietors thereof under the Land Transfer Acts, 1875 and 1897, and may be registered as proprietors of the land with any title authorised by those Acts.

(2) When a county council, after having been so registered, transfer any such land to a purchaser of a small holding, the purchaser shall be registered as proprietor of the land with an absolute title, subject only to such incumbrances as may be created under this Act; and in any case the remedy of any person claiming by title paramount to the county council in respect either of title or incumbrances shall be in damages only, and such damages shall be recoverable against the county council.

(3) Rules under the Land Transfer Acts, 1875 and 1897, may—

(*a*) adapt those Acts to the registration of small holdings, with such modifications as appear to be required; and

(*b*) on the application and at the expense of a county council, provide, by the appointment of local agents or otherwise, for the carrying into effect the objects of this section.

List to be kept by county council.

14. A county council shall keep a list of the owners and occupiers of small holdings sold or let by them, and a map or plan showing the size, boundaries, and situation of each small holding so sold or let.

Right of purchase, if land diverted from agriculture.

15. If, at any time after the restrictive conditions imposed by this Act have ceased to attach to a small holding, the owner of the holding desires to use the holding for purposes other than agriculture, he shall before so doing, whether the holding is situate within a town or built upon or not, offer the holding for sale, first to the county council from whom the holding was purchased, and secondly to the person or persons (if any) then entitled to the lands from which the holding was originally severed, and sections one hundred and twenty-seven to one hundred and thirty of the Lands Clauses Consolidation Act, 1845, shall apply as if the owner of the small holding were the promoter of the undertaking, and the holding were superfluous lands within the meaning of those sections.

8 & 9 Vict. c. 18.

Letting of land unsold, and sale of superfluous or unsuitable land.

16.—(1) A county council shall, if practicable, sell or let as small holdings, and in accordance with this Act, any land acquired by them for small holdings, but, if the council are of opinion that any such land is not needed, or is unsuitable, for small holdings, or cannot be sold or let under the provisions of this Act, or that some more suitable land is available, they may sell or let the land otherwise than under those provisions, or exchange the land for other land more suitable for small holdings, and may pay or receive money for equality of exchange, and may erect such buildings or execute such other works as will in the opinion of the council enable the land to be sold or let without loss.

(2) The council may also, while any sale or lease of a holding is pending, temporarily let or manage the holding for such time and in such manner as they think expedient.

(3) Sections one hundred and twenty-eight to one hundred and thirty-two of the Lands Clauses Consolidation Act, 1845 (relating to the right of pre-emption of superfluous lands), shall apply upon any sale in pursuance of this section before any such buildings or works as aforesaid are erected or executed on the land proposed to be sold, but, save as aforesaid, the provisions of the Lands Clauses Consolidation Act, 1845, with respect to the sale of superfluous lands shall not apply.

8 & 9 Vict. c. 18.

Restrictions on powers of council.

17.—(1) A county council shall not take any proceedings under the provisions of this Act relating to small holdings whereby the annual charge for the time being on the county fund, for the purposes of those provisions and of any enactment repealed by this Act, including the annual payments in respect of the loans raised for those purposes, is, in the opinion of the council, likely to exceed in any one year the amount produced by a rate of a penny in the pound, and, where the said charge at any time is equal or nearly equal to that amount, no further land

shall be purchased for small holdings until the charge has been decreased so as to admit of the further purchase without the charge exceeding the said amount.

(2) For the purposes of this section the expression "charge" means the net charge on the county fund calculated in accordance with regulations made by the Local Government Board after taking into account all receipts from or on account of small holdings or otherwise under the provisions of this Act relating to small holdings.

Delegation of powers to councils of boroughs or urban districts.

18. A county council may make arrangements with the council of any borough or urban district in the county for the exercise by the council of that borough or district, as agents for the county council, on such terms and subject to such conditions as may be agreed on, of any powers of the county council in respect of the acquisition, adaptation, and management of small holdings for the borough or district, and the council of the borough or district may, as part of the arrangement, undertake to pay the whole or any part of the loss (if any) incurred in connexion with those small holdings, and any sum payable in pursuance of any such undertaking shall be defrayed as part of the general expenses of the council in the execution of the Public Health Acts.

Loans by County Councils to Tenants purchasing Small Holdings.

Power of county council to advance money for purchase of small holdings.

19.—(1) Where the tenant of a small holding has agreed with his landlord for the purchase of the holding, the county council of the county in which the holding or any part of it is situate may, if they think fit, advance to the tenant on the security of the holding an amount not exceeding four-fifths of the purchase money thereof.

(2) The provisions of this Act with respect to the purchase money secured by a charge on a small holding sold by a county council, and with respect to any small holding so sold, shall apply to an advance made and a holding purchased under this section, as if the advance was the purchase money, save that the county council shall not guarantee the title of the purchaser of the holding.

(3) No advance shall be made by a county council under this section, unless they are satisfied that the title to the holding is good, that the sale is made in good faith, and that the price is reasonable.

Powers of Board of Agriculture and Fisheries.

Power of Board to provide small holdings.

20. The Board may, if after inquiry they think it advisable to do so with a view to demonstrating the feasibility of the establishment of small holdings in any locality, exercise the powers conferred on county councils by the provisions of this Act relating to small holdings (except the powers of acquiring

land compulsorily and of borrowing), and those provisions shall apply as if references to the Board were substituted for references to a county council; but the expenses of the Board shall be defrayed out of, and their receipts paid into, the Small Holdings Account, and no part thereof shall be paid out of any rate.

Power of Board to repay part of expenses incurred by council.

21. The Board may, if they think fit, and subject to regulations made by the Board with the approval of the Treasury, repay or undertake to repay to a county council, out of the Small Holdings Account, the whole or any part of the expenses incurred by the council in proceedings in relation to the acquisition of land for the purposes of small holdings, and the amount so repaid shall not be treated as part of the costs incurred by the council in relation to land for the purposes of sections seven and nine of this Act, but nothing in this section shall authorise the repayment of any part of any purchase money, compensation, or rent payable in respect of the land.

Appointment of advisory and managing committees by Board.

22. Where the Commissioners acting in default of a county council, or the Board for the purpose of demonstrating the feasibility of the establishment of small holdings, exercise the powers of a county council under the provisions of this Act relating to small holdings, the Board may appoint such advisory and managing committees as they think fit, with such powers and duties as may be conferred or imposed on them, and may, with the consent of the Treasury, pay out of the Small Holdings Account all reasonable travelling and out-of-pocket expenses of the members of committees so appointed:

Provided that where the expenses are incurred for the purposes of the powers exercised by the Commissioners acting in default of a county council, those expenses shall be treated as expenses incurred by the Commissioners in the exercise of the powers of the county council.

PART II.

ALLOTMENTS.

Provision of Allotments.

Duty of certain councils to provide allotments.

23.—(1) If the council of any borough, urban district, or parish are of opinion that there is a demand for allotments for the labouring population in the borough, urban district, or parish, and that such allotments cannot be obtained at a reasonable rent and on reasonable conditions by voluntary arrangement between the owners of land suitable for such allotments and the applicants for the same, the council shall provide a sufficient number of allotments, and shall let such allotments to persons belonging to the labouring population resident in the borough, district, or parish, and desiring to take the same.

(2) On a representation in writing to the council of any borough, urban district, or parish, by any six registered parliamentary electors or ratepayers resident in the borough, urban

district, or parish, that the circumstances of the borough, urban district, or parish are such that it is the duty of the council to take proceedings under this Part of this Act therein, the council shall take such representation into consideration.

(3) For the purpose of this section, the expression "reasonable rent" means the rent, exclusive of rates, taxes, and tithe rent-charge, which a person taking an allotment might reasonably be expected to pay, taking one year with another, to a landlord, having regard to the value of similar land in the neighbourhood, to the extent and situation of allotment, to the expenses of the adapting the land to the purposes of the allotment, and to the repairs and other outgoings payable by the landlord, and to the cost and risk of collecting the rents of and otherwise managing allotments.

(4) The duty of a council to provide allotments under this Act shall not include the duty of providing allotments exceeding one acre in extent.

Duty of county councils to act in default of district and parish councils.

24.—(1) It shall be the duty of a county council to ascertain the extent to which there is a demand for allotments in the several urban districts (other than boroughs) and rural parishes in the county, or would be a demand if suitable land were available, and the extent to which it is reasonably practicable, having regard to the provisions of this Act, to satisfy any such demand, and for that purpose to co-operate with such authorities, associations, and persons as they think best qualified to assist them, and take such other steps as they think necessary.

(2) The county council, if satisfied that the circumstances are such that land for allotments should be acquired by them under this section, shall pass a resolution to that effect, and thereupon the powers and duties of the district or parish council under the provisions of this Act relating to allotments shall be transferred from that council to the county council, and the county council, in substitution for that council, shall proceed to acquire land in accordance with this Act, and otherwise execute this Act in the district or parish:

Provided that this section shall not affect the property in, or any powers or duties of the district or parish council in relation to, any land which, before the passing of the resolution, was acquired by the district or parish council under this Act, or any enactment repealed by this Act.

(3) Where the powers of the district or parish council are, by virtue of this section, transferred to the county council, the following provisions shall have effect:—

(*a*) The provisions of this Act relating to allotments shall apply with the modifications necessary for giving effect to this section:

(*b*) The county council may borrow for the purposes of those provisions subject to the conditions, in the manner, and on the security of the rate, subject to, in, and

on the security of which the district or parish council might have borrowed under those provisions. The council shall have power to charge the said rate with the repayment of the principal and interest of the loan, and the loan with the interest thereon shall be repaid by the district or parish council in like manner, and the charge shall have the like effect, as if the loan were lawfully raised and charged on that rate by the district or parish council:

(*c*) The county council shall keep separate accounts of all receipts and expenditure under this section:

(*d*) All sums received by the county council in respect of any land acquired under this section or the corresponding provision of any enactment repealed by this Act, otherwise than from any sale or exchange, in so far as they are not required for the payment of expenses incurred by them in respect of such land, shall be paid to the district or parish council:

(*e*) The county council may delegate to the district or parish council any powers under this Act relating to the management of the allotments, and the letting and use thereof, and the recovery of the rent and of possession thereof; and, subject to the terms of the delegation, all expenses and receipts arising in the exercise of the powers so delegated shall be paid and dealt with as expenses and receipts of the district or parish council under this Act:

(*f*) The county council, on the request of the district or parish council, may, by order under their seal, transfer to that council all or any of the powers, duties, property, and liabilities vested in and imposed on the council by virtue of this section or the corresponding provision of any enactment repealed by this Act, as regards the district or parish, and the property so transferred shall be deemed to have been acquired by that council under this Act, and that council shall act accordingly.

(4) If the Board are, in relation to any urban district (other than a borough) or rural parish, satisfied, after holding a local inquiry at which the county council and the council of the district or parish, and such other persons as the person holding the inquiry may in his discretion think fit to allow, shall be permitted to appear and be heard, that the county council have failed to fulfil their obligations under this section, the Board may by order transfer to the Commissioners all or any of the powers of the county council under this section in relation to the district or parish, and this section shall apply as if references to the Commissioners were substituted for references to the county council and with such other adaptations as may be made by the order.

Powers of Councils in relation to the provision of Allotments.

Acquisition of land for purpose of Act.

25.—(1) The council of a borough, urban district, or parish may, for the purpose of providing allotments, by agreement purchase or take on lease land, whether situate within or without their borough, district, or parish.

(2) If a council are unable to acquire by agreement, and on reasonable terms, suitable land for the purpose of allotments, they may acquire land compulsorily in accordance with the provisions of this Act relating to compulsory acquisition of land.

(3) A council shall not under this Act acquire land for allotments save at such price or rent that in their opinion all expenses, except such expenses as are incurred in making roads to be used by the public, incurred by them in acquiring the land and otherwise in relation to the allotments, may reasonably be expected to be recouped out of the rents obtained in respect thereof.

Improvement and adaptation of land for allotments.

26.—(1) The council of a borough, urban district, or parish may improve any land acquired by them for allotments and adapt the same for letting in allotments, by draining, fencing, and dividing the same, acquiring approaches, making roads and otherwise, as they think fit, and may from time to time do such things as may be necessary for maintaining such drains, fences, approaches, and roads, or otherwise for maintaining the allotments in a proper condition.

(2) The council may also adapt the land for allotments by erecting buildings and making adaptations of existing buildings, but so that not more than one dwelling-house shall be erected for occupation with any one allotment; and no dwelling-house shall be erected for occupation with any allotment of less than one acre.

Provisions as to letting of allotments.

27.—(1) The rents of the allotments shall be fixed at an amount not less than such as may reasonably be expected to ensure the council providing the allotments from loss; but in calculating such loss any expenses incurred in an unsuccessful attempt to acquire land for allotments shall be excluded and, subject as aforesaid, such rents may be from time to time charged as are reasonable, having regard to the agricultural value of the land, and not more than a quarter's rent shall be required to be paid in advance in any case where it is deemed necessary by the council to require the payment of rent in advance.

(2) The council providing the allotments shall, for the purposes of all rates and taxes, and all tithe rentcharge payable by an occupier, be deemed to be the occupiers of the allotments which are let, but they shall cause the sums from time to time paid by way of such rates, taxes, and tithe rentcharge in respect of the allotments to be apportioned among them, and cause the sum so apportioned in respect of each allotment to be certified to the tenant thereof, and such sum shall be added to the rent

otherwise payable by the tenant in respect of such allotment, and shall be deemed to be part of the rent, and be recoverable accordingly:

Provided that for the purposes of the parliamentary franchise, and the municipal and all other local franchises, the tenants shall notwithstanding this provision be deemed to be the occupiers, and such rates shall be deemed to have been paid by them.

(3) One person shall not hold any allotment or allotments acquired under this Part of this Act, or any enactment hereby repealed, exceeding five acres:

Provided that any part of the land acquired by a council for the purposes of allotments which exceeds five acres may be adapted for letting and let as an allotment, if the county council are satisfied by the council that it is convenient and desirable that it should be so let and consent to such letting accordingly.

(4) An allotment shall not be sublet.

(5) If at any time an allotment cannot be let in accordance with the provisions of this Act and the rules made thereunder, the same may be let to any person whatever at the best annual rent which can be obtained for the same, without any premium or fine, and on such terms as may enable possession thereof to be resumed within a period not exceeding twelve months if it should at any time be required to be let under the provisions aforesaid.

(6) A council shall have the same power of letting one or more allotments to persons working on a co-operative system or to an association formed for the purposes of creating or promoting the creation of allotments as may be exercised as respects small holdings by a county council.

Rules as to letting allotments.

28.—(1) Subject to the provisions of this Act, a borough, urban district, or parish council may make such rules as appear to be necessary or proper for regulating the letting of allotments under this Act, and for preventing any undue preference in the letting thereof, and generally for carrying the provisions of this Part of this Act into effect.

(2) Rules under this section may define the persons eligible to be tenants of allotments, the notices to be given for the letting thereof, the size of the allotments, the conditions under which they are to be cultivated, and the rent to be paid for them.

(3) All such rules shall make provision for reasonable notice to be given to a tenant of any allotment of the determination of his tenancy.

Rules under this section shall not be of any force unless and until they have been confirmed by the Board in like manner and subject to the like provisions as in the case of byelaws required to be confirmed by the Local Government Board under the Public Health Acts.

(4) Rules for the time being in force under this section shall be binding on all persons whatsoever; and the council shall cause them to be from time to time made known, in such manner as the council think fit, to all persons interested, and shall cause a copy thereof to be given gratis to any inhabitant of the district or parish demanding the same.

Management of allotments.

29.—(1) The council of a borough, urban district, or parish may from time to time appoint, and, when appointed, remove allotment managers of land acquired by the council for allotments, and the allotment managers shall consist either partly of members of the council and partly of other persons, or wholly of other persons, so that in either case such other persons be persons residing in the locality and contributing to the rate out of which the expenses of the council under this Act are paid.

(2) The proceedings and powers of allotment managers shall be such as, subject to the provisions of this Act, may be directed by the council; the allotment managers may be empowered by the council to do anything in relation to the management of the allotments which the council are authorised to do and to incur expenses to such amount as the council authorise, and any expenses properly so incurred shall be deemed to be expenses of the council under this Act.

Recovery of rent and possession of allotments.

30.—(1) The rent for an allotment let by a council in pursuance of this Act, and the possession of such an allotment in the case of any notice to quit, or failure to deliver up possession thereof as required by law, may be recovered by the council as landlords, in the like manner as in any other case of landlord and tenant.

(2) If the rent for any allotment is in arrear for not less than forty days, or if it appears to the council that the tenant of an allotment not less than three months after the commencement of the tenancy thereof has not duly observed the rules affecting the allotment made by or in pursuance of this Act, or is resident more than one mile out of the borough, district, or parish for which the allotments are provided, the council may serve upon the tenant, or, if he is residing out of the borough, district or parish, leave at his last known place of abode in the borough, district, or parish, or fix in some conspicuous manner on the allotment, a written notice determining the tenancy at the expiration of one month after the notice has been so served or affixed, and thereupon the tenancy shall be determined accordingly:

Provided that in every such case the council in default of agreement between the incoming and outgoing tenant shall on demand pay to the tenant whose tenancy is so determined any compensation due to him as an outgoing tenant, and the amount of such compensation shall be assessed by an arbitrator appointed by the council or, if the tenant so elect, either by an arbitrator

50 & 51 Vict. c. 26. 8 Edw. 7. c. 28.

appointed under the Allotments and Cottage Gardens Compensation for Crops Act, 1887, or under the Agricultural Holdings Act, 1908.

(3) Upon the recovery of an allotment from any tenant, the court directing the recovery may stay delivery of possession until payment of the compensation (if any) due to the outgoing tenant has been made or secured to the satisfaction of the court.

List of allotments.

31.—(1) The council of a borough, urban district, or parish shall cause a list to be kept showing the particulars of the tenancy, acreage, and rent of every allotment let, and of the unlet allotments.

(2) The list shall be open to the inspection of ratepayers in the borough, district, or parish for which the allotments have been provided, in such manner as may be provided by the rules made under this Act by the council, and any ratepayer of such borough, district, or parish, without paying any fee, may take copies of or extracts from the list.

Sale of superfluous or unsuitable land.

32.—(1) Where the council of any borough, urban district, or parish are of opinion that any land acquired by them for allotments or any part thereof is not needed for the purpose of allotments, or that some more suitable land is available, they may, with the sanction of the county council, sell or let such land otherwise than under the provisions of this Act, or exchange the land for other land more suitable for allotments, and may pay or receive money for equality of exchange.

(2) The proceeds of a sale under this Act of land acquired for allotments, and any money received by the council on any such exchange as aforesaid by way of equality of exchange, shall be applied in discharging, either by way of a sinking fund or otherwise, the debts and liabilities of the council in respect of the land acquired by the council for allotments, or in acquiring, adapting, and improving other land for allotments, and any surplus remaining may be applied for any purpose for which capital money may be applied, and which is approved by the Local Government Board; and the interest thereon (if any) and any money received from the letting of the land may be applied in acquiring other land for allotments, or shall be applied in like manner as receipts from allotments under this Act are applicable.

(3) Sections one hundred and twenty-eight to one hundred and thirty-two of the Lands Clauses Consolidation Act, 1845 (relating to the right of pre-emption of superfluous lands), shall apply upon any sale in pursuance of this section of any land, but, save as aforesaid, the provisions of the Lands Clauses Consolidation Act, 1845, with respect to the sale of superfluous lands shall not apply.

Transfer of allotments to borough, district, and parish councils.

33.—(1) The allotment wardens under the Inclosure Acts, 1845 to 1882, having the management of any land appropriated under those Acts either before or after the passing of this Act for allotments or field gardens for the labouring poor of any place, may, by agreement with the council of the borough, urban

district, or parish, within whose borough, district, or parish that place is wholly or partly situate, transfer the management of that land to the council, upon such terms and conditions as may be agreed upon with the sanction, as regards the allotment wardens, of the Board, and thereupon the land shall vest in the council.

(2) All trustees within the meaning of the Allotments Extension Act, 1882, required or authorised by that or any other Act to let lands in allotments to cottagers, labourers, journeymen, or others in any place, may, if they think fit, in lieu of letting the land in manner provided by the said Acts, sell or let the land to the council of the borough, urban district, or parish in which such place is wholly or partly situate, upon such terms as may be agreed upon, with the sanction, as regards the trustees, of the Charity Commissioners or the Board of Education, as the case may require. 45 & 46 Vict. c. 80.

(3) Where, as respects any rural parish, any Act constitutes any persons wardens of allotments, or authorises or requires the appointment or election of any wardens, committee, or managers for the purpose of allotments, the powers and duties of the wardens, committee, or managers shall, subject to the provisions of this Act, be exercised and performed by the parish council, or, in the case of a parish not having a parish council, by persons appointed by the parish meeting, and it shall not be necessary to make the said appointment or to hold the said election.

(4) The provisions of this Act relating to allotments shall apply to land vested in, or the management whereof has been transferred to, a council under this section or the corresponding provision of any enactment repealed by this Act in like manner as if the land had been acquired by the council under the general powers of this Part of this Act.

Supplemental.

Power to make scheme for provision of common pasture.

34.—(1) Where it appears to the council of any borough, urban district, or parish that, as regards their borough, district, or parish, land can be acquired for affording common pasture at such price or rent that all expenses incurred by the council in acquiring the land and otherwise in relation to the land when acquired may reasonably be expected to be recouped out of the charges paid in respect thereof, and that the acquisition of such land is desirable in view of the wants and circumstances of the labouring population, the council may submit to the council of the county in which the borough, district, or parish is wholly or partly situate a scheme for providing such common pasture.

(2) The county council, if satisfied of the expediency of such scheme, may by order authorise the council which submitted it to carry it into effect, and, upon such an order being made, the provisions of this Act relating to allotments shall, with the necessary modifications, apply in like manner as if "allotments"

in those provisions included common pasture, and "rent" included a charge for turning out an animal:

Provided that the rules made under those provisions may extend to regulating the turning out of animals on the common pasture, to defining the persons entitled to turn them out, the number to be turned out, and the conditions under which animals may be turned out, and fixing the charges to be made for each animal, and otherwise to regulating the common pasture.

Use of schoolroom free of charge.

35.—(1) Any room in a public elementary school in respect of which a grant is made out of moneys provided by Parliament may, except while the room is being used for educational purposes, be used free of charge for the purposes of this Part of this Act by the county council, or, with the consent of any two managers, for the purpose of holding public meetings to discuss any question relating to allotments under this Act, but any damage done to the room and any expense incurred by the persons having control over the room on account of its being so used shall be paid by the county council or the persons calling the meeting.

(2) Nothing in this section shall give any right to hold a public meeting in a schoolroom—

(*a*) Unless not less than six days before the meeting a notice of the intention to hold the meeting on the day and at the time specified in the notice, signed by the persons calling the meeting, being not less than six in number, and being persons qualified to make a representation to the council of a borough, urban district, or parish under this Part of this Act, has been given, in the case of a school provided by the local education authority to the clerk of that authority, and in any other case to one of the managers of the school; or

(*b*) if the use of the schoolroom on the said day and at the said time has previously to the receipt of the notice of the meeting been granted for some other purpose; but in that case the clerk or manager, or some one on his behalf, shall forthwith, after the receipt of the notice, inform in writing one of the persons signing it that the use of the school has been so granted for some other purpose, and name some other day on which the schoolroom can be used for the meeting.

(3) If the persons calling the meeting fail to obtain the use of a schoolroom under this section, they may appeal to the small holdings and allotments committee under this Act, and the committee shall forthwith decide the appeal, and make such order respecting the use of the room as seems just.

(4) Nothing in this section shall affect the powers as to the use of schoolrooms conferred by section four of the Local Government Act, 1894.

56 & 57 Vict. c. 73.

Application to London.

36. The powers as to allotments conferred on borough, urban district, and parish councils by this Act may in London be exercised by the London County Council, and the provisions of this Act as to allotments shall apply accordingly, except that, subject to the provisions of this Act, the expenses shall be defrayed and money borrowed under and in accordance with the provisions of the Local Government Act, 1888. 51 & 52 Vict. c. 41.

Application to county boroughs.

37. Such of the provisions of this Part of this Act as require the sanction of, submission to, or order of, a county council shall not apply in the case of a county borough.

PART III.

GENERAL.

Acquisition of Land.

Purchase of land by agreement.

38. For the purpose of the purchase of land by agreement under this Act by a council, the Lands Clauses Acts shall be incorporated with this Act, except the provisions of those Acts with respect to the purchase and taking of land otherwise than by agreement, and section one hundred and seventy-eight of the Public Health Act, 1875, shall apply as if the council were referred to therein. 38 & 39 Vict. c. 55.

Procedure for compulsory acquisition of land.

39.—(1) Where a council propose to purchase land compulsorily under this Act, the council may, subject to the provisions of Part I. of the First Schedule to this Act, submit to the Board an order putting in force as respects the land specified in the order the provisions of the Lands Clauses Acts with respect to the purchase and taking of land otherwise than by agreement.

(2) Where a council propose to hire land compulsorily, the council may submit to the Board an order for the compulsory hiring of the land specified in the order for a period not less than fourteen nor more than thirty-five years, and the provisions of Part I. of the First Schedule to this Act shall apply to the order in like manner as it applies to an order for compulsory purchase, with the substitution of "hiring" for "purchase," and with the modifications set out in Part II. of that Schedule.

(3) An order under this section shall be of no force unless and until it is confirmed by the Board, and the Board may, subject to the provisions of the First Schedule to this Act, confirm the order either without modification or subject to such modifications as they think fit, and an order when so confirmed shall become final and have effect as if enacted in this Act; and the confirmation by the Board shall be conclusive evidence that the requirements of this Act have been complied with, and that the order has been duly made and is within the powers of this Act.

(4) An order under this section may provide for the continuance of any existing easement or the creation of any new easement over the land authorised to be acquired, and every such order

shall, if so required by the owner of the land to be acquired, provide for the creation of such new easements as are reasonably necessary to secure the continued use and enjoyment by such owner and his tenants of all means of access, drainage, water supply, and other similar conveniences theretofore used or enjoyed by them over the land to be acquired: Provided that, notwithstanding anything contained in this subsection, no new easement created by or in pursuance of the order over land hired by a council shall continue beyond the determination of such hiring.

(5) In determining the amount of any disputed compensation under any such order, no additional allowance shall be made on account of the purchase or hiring being compulsory.

(6) Where land authorised to be compulsorily hired by an order under this section is subject to a mortgage, any lease made in pursuance of the order by the mortgagor or mortgagee in possession shall have the like effect as if it were a lease authorised by section eighteen of the Conveyancing and Law of Property Act, 1881.

44 & 45 Vict. c. 41.

(7) Where the council proposing to acquire land compulsorily is a parish council, the council shall, instead of themselves making and submitting to the Board the order, represent the case to the county council, and thereupon the county council may, on behalf of the parish council, exercise the powers in relation to compulsory purchase or hiring conferred on councils by this Act, and the order shall be carried into effect by the county council, but the land shall be assured or demised to the parish council, and all expenses incurred by the county council shall be paid by the parish council:

Provided that, if the parish council are aggrieved by the refusal of the county council to proceed under this section, the parish council may petition the Board, and thereupon the Board, after such inquiry as they think fit, may make such an order as the county council might have made, and this subsection shall apply as if the order had been made by the county council.

(8) If, after the determination of the amount of the compensation (including in the case of land hired compulsorily the rent) to be paid to any person in respect of his interest in the land proposed to be compulsorily acquired, it appears to the council that the land cannot be let for small holdings or allotments, as the case may be, at such a rent as will secure the council from loss, the council may at any time within six weeks after the determination of the amount by notice in writing withdraw any notice to treat served on that person or on any other person interested in the land, and in such case any person on whom such a notice of withdrawal has been served shall be entitled to obtain from the council compensation for any loss or expenses which he may have sustained or incurred by reason or in consequence of the notice to treat and of the notice of withdrawal, and the amount of such compensation shall, in default of agreement, be determined by arbitration:

Provided that in every case in which the notice of withdrawal is given by the Commissioners acting in default of the council all compensation payable under this subsection shall be paid out of the Small Holdings Account.

Powers of certain limited owners to sell and lease land for small holdings or allotments.

40.—(1) Any person having power to lease land for agricultural purposes for a limited term, whether subject to any consent or conditions or not, may, subject to the like consent and conditions (if any), lease land to a council for the purposes of small holdings or allotments for a term not exceeding thirty-five years, either with or without such right of renewal as is conferred by this Act in the case of land hired compulsorily for those purposes.

(2) The like powers of leasing may be exercised, in the case of land belonging to the Crown, by the Commissioners of Woods, with the consent of the Treasury, in the case of land forming part of the possessions of the Duchy of Lancaster, by the Chancellor and Council of the Duchy of Lancaster by deed under the seal of the Duchy in the name of His Majesty His heirs and successors, and, in the case of land forming part of the possessions of the Duchy of Cornwall, by the Duke of Cornwall or other the persons for the time being having power to dispose of land belonging to that Duchy.

(3) The like powers of leasing may be exercised in the case of glebe land or other land belonging to an ecclesiastical benefice by the incumbent thereof with the consent of the Ecclesiastical Commissioners alone upon such terms and conditions and in such manner as the Ecclesiastical Commissioners may approve.

(4) Where a person having the powers of a tenant for life within the meaning of the Settled Land Acts, 1882 to 1890, sells, exchanges, or leases any settled land to a county council for the purposes of small holdings, the sale, exchange, or lease may be made at such a price, or for such consideration, or at such rent, as, having regard to the said purposes and to all the circumstances of the case, is the best that can be reasonably obtained.

(5) A person having the powers of a tenant for life within the meaning of the Settled Land Acts, 1882 to 1890, may grant the settled land, or a part thereof, to a county council for the purposes of small holdings in perpetuity, at a fee farm or other rent secured by condition of re-entry, or otherwise as may be agreed upon.

Restrictions on the acquisition of land.

41.—(1) No land shall be authorised by an order under this Act to be acquired compulsorily which at the date of the order forms part of any park, garden, or pleasure ground, or forms part of the home farm attached to and usually occupied with a mansion house, or is otherwise required for the amenity or convenience of any dwelling-house, or which is woodland not wholly surrounded by or adjacent to land acquired by a council under this Act, or which at that date is the property of any local

authority or has been acquired by any corporation or company for the purposes of a railway, dock, canal, water, or other public undertaking, or is the site of an ancient monument or other object of archæological interest.

(2) A council in making, and the Board in confirming, an order for the compulsory acquisition of land shall have regard to the extent of land held or occupied in the locality by any owner or tenant and to the convenience of other property belonging to or occupied by the same owner or tenant, and shall, so far as practicable, avoid taking an undue or inconvenient quantity of land from any one owner or tenant, and for that purpose, where part only of a holding is taken, shall take into consideration the size and character of the existing agricultural buildings not proposed to be taken which were used in connection with the holding, and the quantity and nature of the land available for occupation therewith, and shall also, so far as practicable, avoid displacing any considerable number of agricultural labourers or others employed on or about the land.

(3) No holding of fifty acres or less in extent, nor any part of any such holding, shall be authorised by an order under this Act to be acquired compulsorily for the purposes of small holdings or allotments.

Grazing rights, &c., to be attached to small holdings or allotments.

42.—(1) The powers of a council to acquire land for small holdings or allotments shall, subject to the restrictions by this Act imposed, include power to acquire land for the purpose of attaching to small holdings or allotments provided by the council rights of grazing and other similar rights over the land so acquired, and to acquire for that purpose stints and other alienable common rights of grazing.

(2) Any rights created or acquired by the council under this section shall be attached to the small holdings or allotments in such manner and subject to such regulations as the council think expedient.

(3) Where any right of grazing, sheepwalk, or other similar right is attached to land acquired by a county council for the purposes of small holdings, the council may attach any share of the right to any small holding in such manner and subject to such regulations as they think expedient.

Compensation for loss of employment by labourers.

43. Where a labourer, who has been regularly employed on any land acquired by a county council for small holdings, proves to the satisfaction of the county council that the effect of the acquisition was to deprive him of his employment, and that there was no employment of an equally beneficial character available to him in the same locality, the county council may pay to him such compensation as they think just for his loss of employment or for his expenses in moving to another locality, and any sum so paid shall be treated as part of the expenses of the acquisition of the land.

Provisions affecting Land acquired.

Power of council to renew tenancy of land compulsorily hired.

44.—(1) Where a council has hired land compulsorily for small holdings or allotments, the council may, by giving to the landlord not more than two years nor less than one year before the expiration of the tenancy notice in writing, renew the tenancy for such term, not being less than fourteen nor more than thirty-five years, as may be specified in the notice, and at such rent as, in default of agreement, may be determined by valuation by a valuer appointed by the Board, but otherwise on the same terms and conditions as the original lease, and so from time to time:

Provided that, if on any such notice being given, the landlord proves to the satisfaction of the Board that any land included in the tenancy is required for the amenity or convenience of any dwelling-house, then such land shall be excluded from the renewed tenancy.

(2) In assessing the rent to be paid under this section the valuer shall not take into account any increase in the value of the holding—

(*a*) due to improvements in respect of which the council would have been entitled to compensation, if instead of renewing the tenancy the council had quitted the land on the determination of the tenancy; or

(*b*) due to any use to which the land might otherwise be put during the renewed term, being a use in respect of which the landlord is entitled to resume possession of the land under this Act; or

(*c*) due to the establishment by the council of other small holdings or allotments in the neighbourhood,

or any depreciation in the value of the land in respect of which the landlord would have been entitled to compensation if the council had so quitted the land as aforesaid.

Interchange of land for small holdings and allotments.

45. A county council may sell or let to a borough, urban district, or parish council for the purpose of allotments any land acquired by them for small holdings, and a borough, urban district, or parish council may sell or let to the county council for the purpose of small holdings any land acquired by them for allotments, and the provisions of the Lands Clauses Acts with respect to the sale of superfluous land shall not apply on any such sale.

Power to resume possession of land hired compulsorily.

46.—(1) Where land has been hired by a council compulsorily for small holdings or allotments, and the land or any part thereof at any time during the tenancy thereof by the council is shown to the satisfaction of the Board to be required by the landlord to be used for building, mining, or other industrial purposes, or for roads necessary therefor, it shall be lawful for the landlord to resume possession of the land or part thereof upon giving to the council twelve months' previous notice in writing of his intention so to do; and, if a part only of the

land is resumed, the rent payable by the council shall as from the date of resumption be reduced by such sum as in default of agreement may be determined by valuation by a valuer appointed by the Board.

(2) Where the land has been hired compulsorily by the Commissioners acting in default of a county council, any question as to the right of the landlord to resume possession of the land or any part thereof under this section shall be determined by an arbitrator appointed by the Lord Chief Justice of England.

Compensation for improvements.

47.—(1) Where a council has let a small holding or allotment to any tenant, the tenant shall as against the council have the same rights with respect to compensation for the improvements mentioned in Part I. of the Second Schedule to this Act as he would have had if the holding had been a holding to which section forty-two of the Agricultural Holdings Act, 1908, applied:

Provided that the tenant shall not be entitled to compensation in respect of any such improvement if executed contrary to an express prohibition in writing by the council affecting either the whole or any part of the holding or allotment; but, if the tenant feels aggrieved by any such prohibition, he may appeal to the Board, who may confirm, vary, or annul the prohibition, and the decision of the Board shall be final.

(2) Where land has been hired by a council for small holdings or allotments, the council shall (subject in the case of land hired by agreement to any agreement to the contrary) be entitled at the determination of the tenancy on quitting the land to compensation under the Agricultural Holdings Act, 1908, for any improvement mentioned in Part I. of the Second Schedule to this Act, and for any improvement mentioned in Part II. of that Schedule which was necessary or proper to adapt the land for small holdings or allotments, as if the land were a holding to which section forty-two of the Agricultural Holdings Act, 1908, applied, and the improvements mentioned in Part II. of the said Schedule were improvements mentioned in Part III. of the First Schedule to the Agricultural Holdings Act, 1908:

Provided that, in the case of land hired compulsorily, the amount of the compensation payable to the council for those improvements shall be such sum as fairly represents the increase (if any) in the value to the landlord and his successors in title of the holding due to those improvements.

(3) The tenant of an allotment to which Part II. of this Act applies may, if he so elects, claim compensation for improvements under the Allotments and Cottage Gardens Compensation for Crops Act, 1887, instead of under the Agricultural Holdings Act, 1908, as amended by this section, notwithstanding that the allotment exceeds two acres in extent.

50 & 51 Vict. c. 26.

(4) A tenant of any small holding or allotment may, before the expiration of his tenancy, remove any fruit and other trees

and bushes planted or acquired by him for which he has no claim for compensation, and may remove any toolhouse, shed, greenhouse, fowl-house, or pigsty built or acquired by him for which he has no claim for compensation.

Provisions as to glebe lands.

48. In the case of glebe land or other land belonging to an ecclesiastical benefice hired by a council for the purposes of small holdings or allotments—

34 & 35 Vict. c. 43.

(1) The provisions of the Ecclesiastical Dilapidations Act, 1871, shall not during the continuance of the tenancy be applicable to the buildings upon the land:

(2) At the determination of the tenancy, on the council quitting the land, or at any time within twelve months thereafter, the incumbent of the benefice to which the land belongs may apply to the Ecclesiastical Commissioners for their consent to the removal of any buildings which have been erected on the land for the purpose of adapting the land for small holdings or allotments, and, on proof to the satisfaction of the Commissioners that any such buildings are useless, and that it is to the interest of the benefice that they should be removed, the incumbent may, with the consent of the Commissioners, and subject to such directions as they may give, pull down any such buildings and dispose of the materials thereof, and any proceeds shall be paid to the Commissioners to be by them applied to the improvement of the benefice in such manner as the Commissioners may direct.

Co-operative Societies, &c.

Co-operative societies, &c.

49.—(1) A county council may promote the formation or extension of, and may, subject to the provisions of this section, assist, societies on a co-operative basis, having for their object, or one of their objects, the provision or the profitable working of small holdings or allotments, whether in relation to the purchase of requisites, the sale of produce, credit banking, or insurance, or otherwise, and may employ as their agents for the purpose any such society as is mentioned in subsection (4) of this section.

(2) The county council, with the consent of, and subject to regulations made by, the Local Government Board, may for the purpose of assisting a society make grants or advances to the society, or guarantee advances made to the society, upon such terms and conditions as to rate of interest and repayment or otherwise, and on such security, as the council think fit.

(3) Where the Board themselves provide small holdings under the provisions of this Act, they may, with respect to any such society carrying on business or intending to carry on business in the neighbourhood of those small holdings, exercise the powers of a county council under this section, and the provisions of this section shall apply accordingly, except that references to the

Treasury shall be substituted for references to the Local Government Board, and that the expenses and receipts of the Board under this section shall be paid out of and into the Small Holdings Account.

(4) The Board with the consent of the Treasury may out of the Small Holdings Account make grants, upon such terms as the Board may determine, to any society having as its object or one of its objects the promotion of co-operation in connection with the cultivation of small holdings or allotments.

Small Holdings and Allotments Committees.

Small holdings and allotments committees.

50.—(1) Every county council shall establish a small holdings and allotments committee, consisting either wholly or partly of members of the council, but the members of the council shall be a majority, and all matters relating to the exercise and performance by the council of their powers and duties under this Act (except the power of raising a rate or borrowing money) shall stand referred to the small holdings and allotments committee, and the council before exercising any such powers shall, unless in their opinion the matter is urgent, receive and consider the report of the small holdings and allotments committee with respect to the matter in question, and the council may also delegate to the small holdings and allotments committee, with or without restrictions or conditions, as they think fit, any of their powers under this Act except the power of raising a rate or borrowing money.

(2) The small holdings and allotments committee may delegate any of their powers to sub-committees, consisting either wholly or partly of members of the committee, and in appointing any sub-committee to which is committed the powers of management of small holdings shall have regard to the advisability of including amongst the members of the sub-committee members of the councils of the boroughs, urban districts, or parishes in which the holdings are situate, or for which they are provided, and other persons acquainted with the needs and circumstances of the area for which the sub-committee act.

(3) Where any receipts or payments of money under this Act are entrusted by the county council to the small holdings and allotments committee, or any sub-committee thereof, the accounts of those receipts and payments shall be accounts of the county council, and made up and audited accordingly.

(4) This section, so far as relates to small holdings, shall apply to the council of a county borough in like manner as it applies to a county council, but, so far as it relates to allotments and sub-committees, shall not apply to the council of a county borough, without prejudice however to the power of such a council to appoint their small holdings committee, if duly qualified, to be allotment managers in pursuance of Part II. of this Act.

Expenses and Borrowing.

Small Holdings Account. 7 Edw. 7. c. 54.

51.—(1) For the purposes of this Act "The Small Holdings Account," opened at the Bank of England under the Small Holdings and Allotments Act, 1907, shall be continued.

(2) There shall be paid to this account—

(*a*) such money as may from time to time be provided by Parliament towards defraying the costs and expenses of the Board directed by this Act to be paid out of the Small Holdings Account; and

(*b*) all sums received by the Board and directed by this Act to be paid into the Small Holdings Account.

(3) The costs and expenses of the Board directed by this Act to be paid out of the Small Holdings Account shall be paid by the Board out of the money standing to that account.

(4) At the end of every financial year, accounts of the receipts and expenditure of the Small Holdings Account shall be made up in such form and with such particulars as may be directed by the Treasury, and shall be audited by the Comptroller and Auditor-General as public accounts in accordance with such regulations as the Treasury may make, and shall be laid before Parliament, together with his report thereon.

(5) Payments out of, and into, the Small Holdings Account, and all other matters relating to the account, and to the money standing to the credit of the account, shall be paid and regulated in such manner as the Treasury direct.

Borrowing powers and expenses. 51 & 52 Vict. c. 41.

52.—(1) A county council may borrow money for the purposes of the provisions of this Act relating to small holdings and for the purpose of making grants or advances to co-operative societies in accordance with the Local Government Act, 1888, or, if the council of a county borough, with the Public Health Acts, except that any money so borrowed shall, notwithstanding anything in either of those Acts, be repaid within such period, not exceeding—

(*a*) where the purpose for which the money is borrowed is the purchase of land, eighty years; and

(*b*) in any other case, fifty years,

as the council, with the consent of the Local Government Board, determine in each case: Provided that money so borrowed shall not be reckoned as part of the total debt of a county for the purpose of section sixty-nine, subsection two, of the Local Government Act, 1888.

38 & 39 Vict. c. 89.

(2) The Public Works Loans Commissioners may, in manner provided by the Public Works Loans Act, 1875, lend any money which may be borrowed by a county council for such purposes as aforesaid:

Provided that—

(*a*) the loan shall be made at the minimum rate allowed for the time being for loans out of the local loans fund; and

(*b*) if the Local Government Board make a recommendation to that effect, the period for which the loan is made by the Public Works Loans Commissioners may exceed the period allowed under the Public Works Loans Act, 1875, and the Acts amending that Act, but the period shall not exceed the period recommended by the Local Government Board, nor, where the purpose of the loan is the purchase of land, eighty years, or in any other case fifty years; and

(*c*) as between loans for different periods, the longer duration of the loan shall not be taken as a reason for fixing a higher rate of interest.

(3) Any capital money received by a county council in payment or discharge of purchase money for land sold by them, or in repayment of an advance made by them, shall, subject to the provisions of this Act, be applied, with the sanction of the Local Government Board, either in repayment of debt or for any other purpose for which capital money may be applied.

(4) The expenses incurred by the council of a county borough under the provisions of this Act relating to small holdings shall be defrayed out of the borough fund or borough rate, and any money borrowed by such a council shall be borrowed on the security of the borough fund or borough rate.

Expenses and borrowing.

53.—(1) All expenses incurred by the council of a borough, urban district, or parish under the provisions of this Act relating to allotments, including allowances to officers of the council for duties under those provisions, and any sums under those provisions repayable by a district or parish council to a county council acting in their default, shall be defrayed—

(*a*) in the case of a borough or urban district council, as part of the general expenses of their execution of the Public Health Acts; and

(*b*) in the case of a parish council, as part of the expenses of the council.

(2) All expenses incurred by the county council in executing the said provisions in any district or parish on default of a district or parish council, or incurred by the county council in or incidentally to a local inquiry under those provisions, shall be paid in the first instance out of the county fund as expenses for general county purposes, and, unless defrayed out of moneys received by the council in respect of any land acquired under those provisions otherwise than by sale or exchange, or out of money borrowed as before in this Act mentioned, shall, when the powers and duties of the district or parish council under those provisions are transferred to the county council in pursuance of this Act, be repaid to the county council as a debt by the district or parish council.

(4) The council of a borough, urban district, or parish may borrow for the purposes of acquiring, improving, and adapting land for allotments—

(*a*) in the case of a borough or urban district council, in like manner and subject to the like conditions as for the purposes of the Public Health Acts; and

(*b*) in the case of a parish council, under and in accordance with the provisions of the Local Government Act, 1894, but the money so borrowed by a parish council shall not be reckoned as part of the debt of the parish for the purpose of the limitation on borrowing under section twelve of that Act.

(5) Sections two hundred and forty-two and two hundred and forty-three of the Public Health Act, 1875, relating to loans by the Public Works Loan Commissioners to a local authority, shall apply to a loan to a borough or urban district council under this section, and, with the necessary adaptations, to a loan to a parish council under the Local Government Act, 1894, or to a county council lending money to a parish council under that Act, where the purpose for which the loan is required by the parish council is the acquisition, improvement, or adaptation of land under Part II. of this Act, in like manner as if those sections were herein re-enacted and in terms made applicable thereto.

Separate accounts of receipts and expenditure.

54.—(1) Separate accounts shall be kept of the receipts and expenditure of a council under this Act with respect to small holdings or allotments, and any such receipts shall, subject to the provisions of this Act, be applicable to the purposes of small holdings or allotments, but not for any other purpose except with the consent of the Local Government Board; and, for the purpose of the provisions relating to the audit of accounts, any persons appointed under this Act by a council to exercise and perform powers and duties as to the management of allotments shall be deemed to be officers of the council.

(2) The council of a borough, urban district, or parish shall within one month after the end of every financial year of the council cause an annual statement, showing their receipts and expenditure with respect to allotments for that year and their liabilities outstanding at the end of that year, to be deposited at some convenient place in the borough, district, or parish, and any ratepayer may without fee inspect and take copies of the statement.

Supplemental.

Provisions as to land acquired by Commissioners.

55. Any land acquired by the Commissioners under this Act or any enactment repealed by this Act shall be vested in the Board, but the Board may at any time transfer the land to the council at whose expense the land was acquired, and shall so transfer the land on payment of all sums due from the council in connection therewith, and on proof to the satisfaction of the

Board that the council are willing to exercise and perform their powers and duties in relation thereto.

Provisions as to Commissioners.

56. Anything by this Act required or authorised to be done by or to the Commissioners may be done by or to any one such Commissioner, and any document purporting to be signed by a Commissioner shall be received in evidence without proof of the appointment or handwriting of the Commissioner.

Local inquiries.

57.—(1) The Board and the Small Holdings Commissioners and other officers of the Board shall have for the purpose of an inquiry in pursuance of this Act the same powers as the Local Government Board and their inspectors respectively have for the purpose of an inquiry under the Public Health Acts.

(2) Notices of the inquiries shall be given and published in accordance with such general or special directions as the Board may give.

(3) A local inquiry by a county council for the purposes of the provisions of this Act relating to allotments shall be held by such one or more members of the small holdings and allotments committee of the council or by such officer of the council or other person as that committee may appoint to hold the inquiry.

Arbitrations and valuations.

58.—(1) All questions which under this Act are referred to arbitration shall, unless otherwise expressly provided by this Act, be determined by a single arbitrator in accordance with the Agricultural Holdings (England) Act, 1908.

(2) Where an order has been made and confirmed authorising the compulsory acquisition of land by the Commissioners acting in default of a county council, the arbitrator or valuer, as the case may be, shall be appointed by the Lord Chief Justice of England instead of by the Board.

(3) The remuneration of an arbitrator or valuer appointed under this Act shall be fixed by the Board.

Annual report to Parliament.

59. The Board shall make an annual report to Parliament of their proceedings, and of the proceedings of the Commissioners, under this Act, and also of the proceedings of the several county, borough, district, and parish councils under this Act, and for that purpose every such council shall, before such date in every year as the Board may fix, send to the Board a report of their proceedings under this Act during the preceding year.

Saving for existing tenancies.

60. Nothing in this Act shall affect the rights and obligations under any tenancy created under any enactment repealed by this Act.

Interpretation.

61.—(1) For the purposes of this Act—

The expression "small holding" means an agricultural holding which exceeds one acre and either does not exceed fifty acres, or, if exceeding fifty acres, is at the date of sale or letting of an annual value for the purposes of income tax not exceeding fifty pounds:

The expression "allotment" includes a field garden:

The expressions "agriculture" and "cultivation" shall include horticulture and the use of land for any purpose of husbandry, inclusive of the keeping or breeding of live stock, poultry, or bees, and the growth of fruit, vegetables, and the like:

The expression "county" shall mean the area under the authority of a county council:

The expression "county council" shall in relation to small holdings include the council of a county borough, and in its application to a county borough the expression "county fund" shall mean the borough fund or borough rate:

The expression "prescribed" means prescribed by regulations made by the Board:

The expression "landlord," in relation to any land compulsorily hired by a council, means the person for the time being entitled to receive the rent of the land from the council.

(2) In this Act and in the enactments incorporated with this Act the expression "land" shall include any right or easement in or over land.

(3) For the purposes of this Act, any expenses incurred by a council in the enfranchisement of any land acquired by them for small holdings or allotments, or in the purchase or redemption of land tax, or any quit rent, chief rent, tithe, or other rentcharge, or other perpetual annual sum issuing out of land so acquired, shall be deemed to have been incurred in the purchase of the land.

(4) In this Act references to a parish council shall, in the case of a rural parish not having a parish council, include references to the parish meeting.

(5) Any notice required by this Act to be served or given may be sent by registered post.

Repeal.

62. The enactments mentioned in the Third Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

Provided that—

(*a*) nothing in this Act shall affect any order, scheme, draft scheme, rules, regulations, report, petition, notice, or other document made, prepared, submitted, served, or given under any enactment so repealed, but every such document shall have effect as if made, prepared, submitted, served, or given under this Act; and

(*b*) references in any conveyance, lease, or other document to any enactment so repealed shall have effect as if they had been references to the corresponding provisions of this Act; and

(*c*) if any question arises as to whether any power of the Local Government Board under the enactments relating to allotments hereby repealed was thereby transferred to the Board of Agriculture and Fisheries, the question shall be determined by the Local Government Board, whose decision shall be final.

Short title, commencement, and extent.

63.—(1) This Act may be cited as the Small Holdings and Allotments Act, 1908.

(2) This Act shall come into operation on the first day of January one thousand nine hundred and nine.

(3) This Act shall not extend to Scotland or Ireland.

SCHEDULES.

FIRST SCHEDULE.

Section 39.

PART I.

PROVISIONS AS TO THE COMPULSORY ACQUISITION OF LAND BY A COUNCIL.

(1) The order shall be in the prescribed form, and shall contain such provisions as the Board may prescribe for the purpose of carrying the order into effect, and of protecting the council and the persons interested in the land, and shall incorporate, subject to the necessary adaptations, the Lands Clauses Acts and sections seventy-seven to eighty-five of the Railways Clauses Consolidation Act, 1845, but subject to this modification, that any question of disputed compensation shall be determined by a single arbitrator appointed by the Board, who shall be deemed to be an arbitrator within the meaning of the Lands Clauses Acts, and the provisions of those Acts with respect to arbitration shall, subject to the provisions of this schedule, apply accordingly.

8 & 9 Vict. c. 20.

(2) The order shall be published by the council in the prescribed manner, and such notice shall be given both in the locality in which the land is proposed to be acquired and to the owners, lessees, and occupiers of that land, as may be prescribed.

(3) If within the prescribed period no objection to the order has been presented to the Board by a person interested in the land, or if every such objection has been withdrawn, the Board shall, without further inquiry, confirm the order, but, if such an objection has been presented and has not been withdrawn, the Board shall forthwith cause a public inquiry to be held in the locality in which the land is proposed to be acquired, and the council and all persons interested in the land and such other persons as the person holding the inquiry in his discretion thinks fit to allow shall be permitted to appear and be heard at the inquiry.

(4) Before confirming the order the Board shall consider the report of the person who held the inquiry, and all objections made thereat.

(5) The arbitrator shall, so far as practicable, in assessing compensation act on his own knowledge and experience, but, subject as aforesaid, at any inquiry or arbitration held under this schedule the person holding the inquiry or arbitration shall hear, by themselves or their agents, any authorities or parties authorised by or under this Act to appear, and shall

hear witnesses, but shall not, except in such cases as the Board otherwise direct, hear counsel or expert witnesses.

(6) The Board may, with the concurrence of the Lord Chancellor, make rules fixing a scale of costs to be applicable on an arbitration under this schedule, and an arbitrator under this schedule may, notwithstanding anything in the Lands Clauses Acts, determine the amount of costs, and shall have power to disallow as costs in the arbitration the costs of any witness whom he considers to have been called unnecessarily, and any other costs which he considers to have been caused or incurred unnecessarily.

(7) In construing, for the purposes of this schedule or any order made thereunder, any enactment incorporated with the order, this Act together with the order shall be deemed to be the special Act and the council shall be deemed to be the promoters of the undertaking.

(8) Where the land is glebe land or other land belonging to an ecclesiastical benefice the order shall provide that sums agreed upon or awarded for the purchase of the land, or to be paid by way of compensation for the damage to be sustained by the owner by reason of severance or other injury affecting the land, shall not be paid as directed by the Lands Clauses Acts, but shall be paid to the Ecclesiastical Commissioners to be applied by them as money paid to them upon a sale under the provisions of the Ecclesiastical Leasing Acts of land belonging to a benefice.

PART II.

Section 39

PROVISIONS AS TO THE COMPULSORY HIRING OF LAND BY A COUNCIL.

(1) The Board shall make regulations for the purpose of carrying the order into effect and of protecting the council and the persons interested in the land, and the order shall incorporate such regulations, together with such provisions of the Lands Clauses Acts and of sections seventy-seven to eighty-five of the Railways Clauses Consolidation Act, 1845, as may, subject to the prescribed adaptations, appear to the Board necessary or expedient for that purpose.

(2) The order authorising the land to be hired compulsorily shall determine the terms and conditions of the hiring other than the rent, and in particular—

(*a*) shall provide for the insertion in the lease of covenants by the council to cultivate the land in a proper manner and to pay to the landlord at the determination of the tenancy on the council quitting the land compensation for any depreciation of the land by reason of any failure by the council, or any person deriving title under them, to observe such covenants, or by reason of any user of the land by the council or such person as aforesaid, and (unless otherwise agreed) to keep the buildings and premises demised in repair; and

(*b*) shall not authorise the breaking up of pasture unless the Board are satisfied that it can be so broken up without depreciating the value of the land, or that the circumstances are such that small holdings cannot otherwise be successfully cultivated; and

(*c*) shall not, except with the consent of the landlord, confer on the council any right to fell or cut timber or trees or any right to take, sell, or carry away any minerals, gravel, sand, or clay, except so far as may be necessary or convenient for the purpose of erecting buildings on the land or otherwise adapting the land for small holdings or allotments, and except upon payment of compensation for minerals, gravel, sand, or clay so used.

(3) The determination of—

(*a*) The amount of the rent to be paid by the council for the land compulsorily hired;

(*b*) The amount of any other compensation to be paid by the council to any person entitled thereto in respect of the land or any interest therein, or in respect of improvements executed on the land or otherwise; and

(*c*) Where part only of a holding held for an unexpired term is hired, the rent to be paid for the residue of the holding during the remainder of that term;

shall in default of agreement be by valuation by a single valuer appointed by the Board: Provided that, if the land hired is in the occupation of a tenant, he may, by notice in writing served on the council before the determination of his tenancy, require that any claim by him against the council which, under the Agricultural Holdings Act, 1908, might be referred to arbitration under that Act, shall be so referred, and in such case those claims shall be determined by arbitration under that Act and not by valuation under this Act.

(4) The valuer, in fixing the rent to be paid for the land compulsorily hired, shall take into consideration the rent (if any) at which the land has been let and the annual value at which the land is assessed for purposes of income tax or rating, the loss (if any) caused to the owner by severance, the terms and conditions of the hiring (including any reservation of sporting or fishing rights), and all the other circumstances connected with the land, but shall not make any allowance in respect of any use to which the land compulsorily hired might otherwise be put by the owner during the term of hiring, being a use in respect of which the owner is entitled to resume possession of the land under this Act.

(5) Any compensation awarded to a tenant in respect of any depreciation of the value to him of the residue of his holding caused by the withdrawal from the holding of the land compulsorily hired shall, as far as possible, be provided for by taking such compensation into account in fixing the rent to be paid for the residue of the holding during the remainder of the term for which it is held by the tenant.

(6) Any person interested in any valuation shall give the valuer all such assistance, information, and explanations as he may require, and shall produce to the valuer, or give him access to, all such books, accounts, vouchers, and other documents relating to the land to be compulsorily hired as he may reasonably require for the purposes of valuation, and such expenses as the valuer certifies to have been properly incurred by any person in furnishing such assistance, information, and explanations, or otherwise, in relation to the valuation, shall be paid by the council.

(7) On the determination of any tenancy created by compulsory hiring any questions as to the amount due by the council for depreciation shall in default of agreement be determined by arbitration.

SECOND SCHEDULE.

IMPROVEMENTS REFERRED TO IN SECTION FORTY-SEVEN.

Section 47.

PART I.

(1) Planting of standard or other fruit trees permanently set out;

(2) Planting of fruit bushes permanently set out;

(3) Planting of strawberry plants;

(4) Planting of asparagus, rhubarb, and other vegetable crops which continue productive for two or more years.

PART II. Section 47.

(1) Erection, alteration, or enlargement of buildings ;
(2) Formation of silos ;
(3) Laying down of permanent pasture ;
(4) Making and planting of osier beds ;
(5) Making of water meadows or works of irrigation ;
(6) Making of gardens ;
(7) Making or improving of roads or bridges ;
(8) Making or improving of watercourses, ponds, wells, or reservoirs, or of works for the application of water power or for supply of water for agricultural or domestic purposes ;
(9) Making or removal of permanent fences ;
(10) Planting of hops ;
(11) Planting of orchards or fruit bushes ;
(12) Protecting young fruit trees ;
(13) Reclaiming of waste land ;
(14) Warping or weiring of land ;
(15) Embankments and sluices against floods ;
(16) The erection of wirework in hop gardens ;
(17) Drainage.

THIRD SCHEDULE. Section 62.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
50 & 51 Vict. c. 48.	The Allotments Act, 1887.	The whole Act, except as respects subsections (4) to (8) of section three so far as they are applied by any other enactment.
53 & 54 Vict. c. 65.	The Allotments Act, 1890.	The whole Act.
55 & 56 Vict. c. 31.	The Small Holdings Act, 1892.	The whole Act, except so far as it relates to Scotland.
56 & 57 Vict. c. 73.	The Local Government Act, 1894.	In section six, subsections (3) and (4).
60 & 61 Vict. c. 65.	The Land Transfer Act, 1897.	Section nineteen.
7 Edw. 7. c. 54	The Small Holdings and Allotments Act, 1907.	The whole Act.

CHAPTER 37.

An Act to provide for the Appointment of Deputy Coroners in Counties and Boroughs in Ireland.

[1st August 1908.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Appointment of deputy coroners. 55 & 56 Vict. c. 56. 50 & 51 Vict. c. 71. 51 & 52 Vict. c. 41. 61 & 62 Vict. c. 37.

1.—(1) Subsections one, two, three, four, five, and eight of section one of the Coroners Act, 1892, shall apply to Ireland, with the modification that in the said subsection five the reference to the Coroners Act, 1887, shall be construed as a reference to the Coroners (Ireland) Acts, 1829 to 1881, and that in the said subsection eight the reference to the Local Government Act, 1888, shall be construed as a reference to the Local Government (Ireland) Act, 1898.

(2) Any deputy coroner to be appointed under this Act shall have the same qualifications as a person elected to the office of coroner.

(3) Any deputy coroner in a county shall be liable to be removed from office by the Lord Chancellor for Ireland in the same way and for the same causes as a coroner for a county.

Repeal.

2. The enactments mentioned in the schedule to this Act are hereby repealed to the extent specified in the third column of the schedule.

Extent of Act.

3. This Act shall not apply to the county borough of Dublin.

Title and interpretation.

4. This Act may be cited as the Coroners (Ireland) Act, 1908, and shall be read and construed as one with the Coroners (Ireland) Acts, 1829 to 1881, and with the Local Government (Ireland) Act, 1898.

Section 2.

SCHEDULE.

Session and Chapter.	Short Title.	Extent of Repeal.
3 & 4 Vict. c. 108.	The Municipal Corporations (Ireland) Act, 1840.	Section 156.
9 & 10 Vict. c. 37.	The Coroners (Ireland) Act, 1846.	Section 39, from "except" to "District" where the latter word secondly occurs and from "and that" to the end of the section.
23 & 24 Vict. c. 74.	The Borough Coroners (Ireland) Act, 1860.	Section 2, from "provided always" to the end of the section.

CHAPTER 38.

An Act to make further provision with respect to University Education in Ireland. [1st August 1908.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

FOUNDATION OF TWO NEW UNIVERSITIES AND PROVISIONS AS TO QUEEN'S COLLEGES.

Foundation of two new universities in Ireland and dissolution of the Royal University and Queen's College, Belfast.

1.—(1) His Majesty may, if pleased to do so, by charter, found two new universities in Ireland (in this Act referred to as the new universities), those universities respectively to have their seats at Dublin and Belfast.

(2) The two universities shall be bodies corporate under such names respectively as His Majesty may be pleased to determine, and the governing bodies of the universities shall, until the expiration of five years from the day appointed for the dissolution of the Royal University of Ireland, consist of such number of persons nominated by His Majesty as His Majesty determines, and after the expiration of that time be constituted in manner provided by the First Schedule to this Act.

(3) The Royal University of Ireland and Queen's College, Belfast, shall be dissolved as from the appointed day.

Colleges.

2.—(1) His Majesty may, if pleased to do so, by charter, found a new college to have its seat at Dublin.

(2) The college shall be a body corporate under such name as His Majesty may be pleased to determine, and the governing body of the college shall be constituted in manner provided by the charter.

(3) Queen's College, Cork, Queen's College, Galway, and the new college having its seat at Dublin, shall be constituent colleges of the new university having its seat at Dublin, and, for the purpose of making any alterations in the constitution or government of Queen's College, Cork, or Queen's College, Galway, which the passing of this Act renders it expedient to make by charter, His Majesty may, if pleased to do so, either alter the charter existing at the time of the passing of this Act, or grant a new charter in lieu thereof, and may, if pleased to do so, alter the name of those colleges or either of them, and provision shall be made by any such new charter or alteration of an existing charter for adequate representation of graduates and professors on the governing bodies of the constituent colleges.

(4) Nothing in this section shall prevent provision being made by the charter of the new universities under which the university may give to matriculated students of the university, who are

pursuing a course of study of a university type approved by the governing body of the university in any recognised college in Ireland under teachers recognised by the governing body for the purpose, the benefit of any privileges of matriculated students of the university who are pursuing a course of study at the university, including the right of obtaining a university degree, subject to any conditions or limitations contained in the charter or statutes of the university: Provided that the university shall not give privileges under this provision to students in any college or institution in Ireland which prepares students for intermediate or other school examinations, or gives education of an intermediate or secondary kind.

Prohibition of tests.

3.—(1) No test whatever of religious belief shall be imposed on any person as a condition of his becoming or continuing to be a professor, lecturer, fellow, scholar, exhibitioner, graduate, or student of, or of his holding any office or emolument or exercising any privilege in, either of the two new universities, or any constituent college; nor in connection with either of those universities or any such constituent college shall any preference be given to or advantage be withheld from any person on the ground of religious belief.

(2) Every professor upon entering into office shall sign a declaration in a form approved by the Commissioners jointly under this Act, securing the respectful treatment of the religious opinions of any of his class.

(3) Nothing in this section shall apply to any professor of or lecturer in theology or divinity; provided that no test of religious belief shall be imposed by the governing body of either of the two new universities or any constituent college on any such professor or lecturer as a condition of his appointment or recognition by the governing body as such professor or lecturer.

Statutes for universities and colleges.

4.—(1) The statutes for the general government of the new universities and the constituent colleges of the new university having its seat at Dublin shall be made in the first instance, as respects the statutes of the new university having its seat at Dublin and the constituent colleges thereof, by the Dublin Commissioners appointed under this Act, and as respects the new university having its seat at Belfast by the Belfast Commissioners appointed under this Act, and, after the powers of these commissioners determine, by the governing bodies of the universities and colleges.

(2) The commissioners, in framing statutes under this section, shall take into consideration any representations made to them by the governing bodies of the new universities or of the constituent colleges of the new university having its seat at Dublin, as respects the statutes for those universities and colleges respectively, or by any person appearing to the commissioners to be interested in the making of those statutes or any of them.

(3) Statutes made under this section may regulate any matter relating to the government of the university or college (including the appointment and remuneration of officers) or otherwise concerning the university or college so far as that matter is not regulated under this Act or by the charter of the university or college.

Statutes to be laid before Parliament.

5.—(1) When any statute has been made under this Act, a notice of its having been made and of the place where copies can be obtained shall be published in the Dublin Gazette, and the statute shall be laid as soon as may be before both Houses of Parliament.

(2) If either House of Parliament within forty days (exclusive of any period of prorogation) after a statute has been laid before it presents an address praying His Majesty to disallow the statute or any part thereof, no further proceedings shall be taken on the statute or on the part thereof to which the address relates; but this provision shall be without prejudice to the making of a new statute.

(3) The governing body of a university or constituent college to which the statute relates, or any other person, corporation, or body directly affected by the statute, may, within three months from the notification thereof in the Dublin Gazette, petition the Lord Lieutenant in Council to disallow the whole or any part thereof.

(4) The Lord Lieutenant in Council may refer any such petition to the Irish Universities Committee, with a direction that the committee hear the petitioner personally or by counsel, and report specially to the Lord Lieutenant in Council on the matter of the petition.

(5) If the committee report in favour of the disallowance of the statute or any part thereof, the Lord Lieutenant may, by Order in Council, disallow the whole or part thereof accordingly, but any such disallowance shall be without prejudice to the making of a new statute.

Establishment of commissions.

6.—(1) For the purposes of this Act there shall be two bodies of commissioners, styled respectively the Dublin Commissioners and the Belfast Commissioners, and any reference to commissioners in this Act shall be construed as a reference to the Dublin Commissioners, or the Belfast Commissioners, or to both bodies of commissioners, as the case requires.

(2) The Dublin Commissioners shall be the Right Honourable Christopher Palles, Alexander Anderson, John Pius Boland, Sir William Francis Butler, Denis Joseph Coffey, Stephen Gwynn, Henry Jackson, Sir John Rhys, The Most Reverend William Joseph Walsh, Bertram Coghill Alan Windle; and the Belfast Commissioners shall be His Honour James Johnston Shaw, Samuel Dill, The Reverend Thomas Hamilton, Donald Macalister, Robert T. Martin, Sir Arthur William Rücker, Johnson Symington.

(3) The chairman of the Dublin and Belfast commissioners respectively shall be appointed by His Majesty from amongst the members of the Commission.

(4) If a vacancy occurs in the office of a commissioner by reason of death, resignation, incapacity, or otherwise, His Majesty may appoint a person to fill the vacancy.

(5) For the purpose of dealing with any matter which is to be dealt with by the commissioners jointly under this Act, a joint committee shall be appointed consisting of eight commissioners, four being appointed by each body of commissioners from amongst the members of that body.

Any matter which is to be so dealt with jointly shall be dealt with and determined by the joint committee.

(6) If a vacancy occurs amongst the members of the joint committee by reason of death, resignation, incapacity, the vacating of the office of commissioner or otherwise, the body of commissioners who appointed the person whose office is vacant shall appoint another commissioner to take his place.

(7) The provisions set out in the Second Schedule to this Act shall have effect with respect to the procedure of the commissioners.

(8) The commissioners may, with the consent of the Treasury as to number, appoint or employ such persons as they may think necessary for the execution of their duties under this Act, and may remove any person so appointed or employed, and there shall be paid to the secretary to the commissioners, and to any person appointed or employed by the commissioners, such remuneration as the Treasury may assign, and that remuneration and all expenses of the commissioners incurred with the sanction of the Treasury in the execution of this Act shall be paid out of moneys provided by Parliament.

(9) The commissioners may, if they think fit, take evidence upon any of the matters which they are directed to deal with or have power to deal with under this Act; and may, if they think fit, make any report to His Majesty containing any recommendations which in their opinion ought to be made for the purpose of better enabling them to carry out any of the powers hereby entrusted to them.

(10) The powers of the commissioners shall continue until the end of the year nineteen hundred and ten, but His Majesty may by Order in Council continue their powers for such further period not exceeding one year as His Majesty thinks fit.

FINANCIAL PROVISIONS AND PURCHASE OF LAND.

Grants in aid of universities and colleges. 44 & 45 Vict. c. 52.

7.—(1) The sum of twenty thousand pounds payable under the Royal University of Ireland Act, 1881, shall, instead of being paid as provided by that Act, be paid, as to one half

thereof to the new university having its seat at Dublin, and, as to one half thereof to the new university having its seat at Belfast.

(2) There shall be annually paid out of moneys provided by Parliament for the general purposes of the new university having its seat at Belfast, and the constituent colleges of the new university having its seat at Dublin, the sums specified in Part I. of the Third Schedule to this Act.

(3) There shall be paid out of moneys provided by Parliament such sums as the governing body of either of the new universities or any of the constituent colleges of the new university having its seat at Dublin may require, and the Treasury may approve, for purchasing lands and providing or improving the necessary buildings and equipment for the university or college, not exceeding the maximum sum specified in Part II. of the Third Schedule to this Act.

(4) Any sums paid under this section shall be applied by the governing body of the university or college, as the case may be, in accordance with their charter or statutes, but no such sum shall be applied for the provision or maintenance of any church, chapel, or other place of religious worship or observance, or for the provision or maintenance of any theological or religious teaching or study:

Provided that nothing in this provision shall prevent the recognition by the governing body of the university of any professor of or lecturer in theology or divinity as a professor of the university so long as the professorship is founded and maintained entirely by means of private benefaction, or the use of any building belonging to the university or college for any teaching given by such professor, or for any other religious teaching no part of the cost of which is defrayed out of public funds. But no student shall be compelled to attend any such theological teaching, or religious instruction, and no professor of or lecturer in theology or divinity shall be eligible for membership of the General Board of Studies or of any Faculty other than the Faculty of Theology.

(5) The grants paid under this section shall be in lieu of any grants payable at the time of the passing of this Act, either out of the Consolidated Fund or moneys provided by Parliament, to or for the benefit of the Royal University of Ireland, Queen's College, Belfast, Queen's College, Cork, or Queen's College, Galway, and shall be deemed to be in full discharge of all past or present claims of any such university or college, or of any person holding or having held any office in any such university or college, to be maintained or paid out of public money, or to receive any portion of public money by way of salary, pension, allowance, or otherwise in respect of that office, and the liability to meet any such claim shall, for the purposes of this Act, be treated as a liability of the university or college in connection with which the claim arises.

Any such liability to meet a claim for pensions shall be a first charge upon any money provided by Parliament under this section for the purposes of the university or college liable to meet the claim.

(6) The governing body of each of the new universities and the governing bodies of the constituent colleges of the new university having its seat at Dublin respectively shall prepare annually, in such form as the Treasury shall direct, accounts of all receipts and expenditure, capital and income, under their control, and within three months after the expiration of the year to which the accounts relate shall transmit the same to the Controller and Auditor-General to be audited, certified, and reported upon in conformity with the powers and regulations prescribed in the Exchequer and Audit Departments Act, 1866, for rendering and auditing appropriation accounts, and the accounts, with the reports of the Controller and Auditor-General thereon, shall be laid before the House of Commons not later than three months after the date on which they were transmitted for audit, if Parliament be then sitting, and, if not sitting, within fourteen days after Parliament next assembles.

29 & 30 Vict. c. 39.

(7) Nothing in this section shall preclude any money being provided by Parliament in addition to the sums provided under this section, either in augmentation of any sums contributed for the purpose of the universities or colleges from other sources, or otherwise.

Application of surplus of fee fund for purposes of universities and colleges. 61 & 62 Vict. c. 37.

8. The surplus of the fee fund mentioned in subsection two of section one hundred and twenty-two of the Local Government (Ireland) Act, 1898, shall, instead of being paid and applied as directed by that subsection, be paid and applied for such of the purposes of either of the new universities or any of the constituent colleges of the new university having its seat at Dublin as the Lord Lieutenant in Council may direct.

Purchase of land.

9. For the purposes of the purchase of land by the governing bodies of the two new universities and of the constituent colleges of the new university having its seat at Dublin, the Lands Clauses Acts, with the exception of the provisions thereof with respect to the purchase of land otherwise than by agreement, shall be incorporated with this Act.

Power of Intermediate Education Board and local authorities to assist students at university.

10.—(1) Notwithstanding anything in any Act the Intermediate Education Board for Ireland may, out of the funds at their disposal, assist, by means of exhibitions, scholarships, bursaries, payment of fees, or otherwise, students or intending students at any university in Ireland who shall have passed a matriculation examination or some other examination prescribed by the university, and the Board may make rules for carrying this provision into effect, those rules to be made in the same manner, subject to the same provisions, and for the like matters, so far as applicable, as rules under section six of the Intermediate

Education (Ireland) Act, 1878, but the exercise by the Board of their powers under this provision shall be subject to the proviso in subsection four of section five of the said Act. 41 & 42 Vict. c. 66.

(2) The council of any county or county borough in Ireland may assist, by means of exhibitions, scholarships, bursaries, payment of fees, or otherwise, any students at any university in Ireland who are ordinarily resident in their county or borough who satisfy the council that they are qualified to profit by university instruction and are in need of assistance, and who also satisfy such tests of ability as may be prescribed by the university, and may also place any sums at the disposal of any university in Ireland or any college thereof, to be applied for any educational purposes which the council may consider will benefit their county or borough, being purposes for which moneys provided by Parliament under this Act may be applied:

Provided that in no case shall any grant under this section be subject to or conditional upon any religious qualification or be devoted to any religious purpose.

Any expenses incurred by the council of a county or county borough under this provision shall be paid, in the case of a council of a county as a county at large charge, and in the case of a county borough as expenses of the council of the borough in the execution of the Public Health (Ireland) Acts, 1878 to 1907, but the amount raised by the council of a county or county borough in any year for the purpose shall not exceed the amount which would be produced by a rate of one penny in the pound, or such higher rate as the council of the county or borough, with the consent of the Local Government Board, may fix.

PROVISIONS AS TO TRANSFER, &c.

Representatives on General Medical Council. 49 & 50 Vict. c. 48.

11.—(1) Each of the two new universities is hereby empowered to hold qualifying examinations in medicine, surgery, and midwifery for the purpose of registration under the Medical Acts as if each of those universities had been a university in the United Kingdom legally qualified at the passing of the Medical Act, 1886, to grant diplomas in medicine and surgery; and the provisions of Part I. of that Act, and any enactment amending the same, shall be read and have effect accordingly.

(2) The governing body of each of the two new universities shall be entitled to choose one representative to be a member of the General Council constituted by the Medical Acts; and section seven of the Medical Act, 1886, shall be read and have effect as if the two new universities were included therein in the place of the Royal University of Ireland.

Amendment of Solicitors Act. 40 & 41 Vict. c. 25. 61 & 62 Vict. c. 17.

12. Sections ten and thirteen of the Solicitors Act, 1877, and sections twelve and fourteen of the Solicitors (Ireland) Act, 1898 (which relate to the admission as solicitors of graduates of universities), shall be read as if each of the two new universities

were mentioned in those sections as well as the universities therein mentioned, and section fifteen of the Solicitors (Ireland) Act, 1898 (which relates to the admission as solicitors of persons who have attended lectures, &c.), shall be read as if each of the two new universities and the new college having its seat at Dublin were mentioned in that section as well as the universities and colleges mentioned therein.

Provisions as to transfer of graduates and students

13.—(1) Every person who, at the time of the dissolution of the Royal University of Ireland, is a graduate of the university, shall be entitled—

(*a*) if he was a matriculated student at Queen's College, Cork, Queen's College, Galway, University College, Dublin, or the Cecilia Street School, Dublin, to be registered as a graduate, with the corresponding degree of the new university having its seat at Dublin; and

(*b*) if he was a matriculated student at Queen's College, Belfast, or Magee College, Derry, to be registered as a graduate, with the corresponding degree of the new university having its seat at Belfast; and

(*c*) if he was not a matriculated student at any such college, or was a matriculated student at two or more colleges giving him the right to be registered as a graduate in both new universities, to be registered as a graduate, with the corresponding degree, either of the new university having its seat at Dublin or of the new university having its seat at Belfast, at his election.

(2) Where a matriculated student at any of the colleges specified in this section, being entitled to be registered under the foregoing provision as a graduate of the new university having its seat at Dublin, desires to be admitted as a graduate of the new university having its seat at Belfast, or, being entitled to be registered as a graduate of the new university having its seat at Belfast, desires to be admitted as a graduate of the new university having its seat at Dublin, and makes an application to the governing body of the university of which he desires to be admitted as a graduate, showing special grounds for the application, the governing body of that university may admit him as a graduate, and the provisions of this section shall apply as if in that case the university of which he is so admitted to be a graduate were the university of which he is entitled to be registered as a graduate under this section.

(3) All terms kept and examinations passed by any graduate or student in the Royal University of Ireland shall, on the dissolution of that university, be deemed to be terms kept and examinations passed at the university at which he is entitled to be registered as a graduate, if a graduate, and, in any other case, at either of the two new universities at the election of the student, and the governing body of each of the two new universities shall, so far as practicable, provide for any such students

obtaining degrees on conditions not more onerous than those under which they could obtain corresponding degrees in the Royal University of Ireland.

Transfer of property.

14.—(1) The buildings of the Royal University of Ireland and of Queen's College, Belfast (together with the equipment and appurtenances thereof), shall, by virtue of this Act and without any further assurance, be transferred to and become vested in the new university having its seat at Dublin and the new university having its seat at Belfast respectively, except such buildings of the Royal University of Ireland (if any) as may be appropriated to the new college having its seat at Dublin by virtue of a scheme made by the Dublin Commissioners under this section.

(2) The commissioners may jointly make a scheme—

(*a*) For transferring to one or other of the new universities any property, real or personal, of the Royal University of Ireland or Queen's College, Belfast (including trust property), not transferred by virtue of the foregoing provisions of this section:

(*b*) For transferring to one or other of the new universities any rights, powers, liabilities, or obligations of the Royal University of Ireland or Queen's College, Belfast, or any members or officers thereof, or attaching to the property thereof:

(*c*) For making any alteration in the terms of any trust which may be rendered necessary or proper in consequence of the dissolution of the Royal University of Ireland or Queen's College, Belfast:

Provided that the scheme shall make provision that any property held in trust solely for Queen's College, Belfast, shall be transferred to the new university having its seat at Belfast.

(3) The commissioners may by their scheme as respects any property not transferred to the new university having its seat at Belfast, instead of transferring that property to the new university having its seat at Dublin, provide for the property being appropriated as between that university and the new college having its seat at Dublin, in such manner as may be determined under a scheme made by the Dublin Commissioners, and the Dublin Commissioners may make such a scheme accordingly and may also by the same or a separate scheme provide for the appropriation to the new college having its seat at Dublin of any buildings of the Royal University in Ireland.

(4) Any buildings or property held by the Commissioners of Public Works in Ireland for the purpose of Queen's College, Belfast, shall, for the purposes of this section, be deemed to be property of Queen's College, Belfast, and any buildings or property held by those Commissioners for the purpose of Queen's College, Cork, and Queen's College, Galway, shall, by virtue of this Act, become vested in those colleges respectively.

(5) Where any property transferred or appropriated to either of the two new universities, or to the new college having its seat at Dublin, by virtue of this section or any scheme made thereunder, is a private endowment subject to trusts, the governing body of the university or college shall in the application of that property as far as possible give effect to the trusts affecting it, and provision shall be made for that purpose by the scheme.

First appointment to offices in the new universities and in the constituent colleges.

15.—(1) The first appointment to all offices in the new university having its seat at Dublin and its constituent colleges, and in the new university having its seat at Belfast shall, except as provided by the charter of the university or college, be made by the Dublin Commissioners and the Belfast Commissioners respectively, and the offices of all officers of Queen's College, Cork, and Queen's College, Galway, shall be deemed to be vacant on the appointed day (notwithstanding that those colleges are not dissolved), and to be subject to the provisions of this section.

(2) Any appointment made under this section shall (except where the appointment is an appointment to an equivalent office of an existing officer whose tenure of his existing office is not limited so as to continue for a definite number of years) be temporary only and shall not have effect after the expiration of seven years from the day appointed for the dissolution of the Royal University of Ireland.

(3) If before the expiration of the time so limited a casual vacancy occurs in any such office, the vacancy may be filled by the commissioners by whom the original appointment was made under this section, or, if it occurs after the powers of the commissioners have ceased, in the manner provided by the charter or statutes of the university or college in which the office is vacant, but in the case of an appointment which by virtue of this section is temporary only the appointment shall not have effect after the expiration of the time limited.

(4) On the day on which any temporary appointment under this section ceases to have effect, the person appointed under this section shall retire from office, and the vacancy shall be filled in manner provided and on conditions specified by the statutes of the university or college, but any person so retiring from office may be re-appointed, and in the case of an existing officer who holds his office during the pleasure of His Majesty shall be so re-appointed if his Majesty directs, notwithstanding anything in the statutes of the university or college.

Existing officers.

16.—(1) Schemes for the employment of existing officers shall be made, as respects the existing officers of the Royal University of Ireland, by the Dublin and Belfast Commissioners jointly, and, as respects existing officers of Queen's College, Belfast, by the Belfast Commissioners, and, as respects existing officers of Queen's College, Cork, and Queen's College, Galway, by the Dublin Commissioners.

(2) Schemes so made shall provide, so far as practicable and expedient, for equivalent offices being offered, in either one of the two new universities or in the new college having its seat at Dublin, to existing officers of the Royal University of Ireland, and shall provide for equivalent offices being offered in the new university having its seat at Belfast to existing officers of Queen's College, Belfast, and in Queen's College, Cork, and Queen's College, Galway respectively, to existing officers of those colleges, but no such provision need be made by the scheme for any existing officers who are appointed to offices in either of the two new universities, or of any of the constituent colleges of the new university having its seat at Dublin by virtue of the charter of the university or college.

(3) If any such existing officer of the Royal University is not offered an equivalent office in accordance with the provisions of this section, or accepts an office in either of the two new universities or in any of the constituent colleges of the new university having its seat at Dublin, which is not an equivalent office, he shall be entitled to such compensation, either in respect of the loss of office or in respect of the difference between his existing office and the office which he accepts, as may be determined by the Commissioners jointly:

Provided that the compensation to be paid in the case of any such existing officer not offered an equivalent office shall be fixed upon the basis of abolition of office.

Where an existing officer is entitled to compensation, and the tenure of his office was limited so as to continue for a definite number of years, the Commissioners shall, in assessing compensation, take into consideration any probability that existed of the appointment of the officer being renewed after the expiration of his term of office.

(4) The compensation payable under this section shall be paid in the case of existing officers of the Royal University of Ireland out of the funds of such one of the two new universities, or out of the funds of those universities in such proportions, as the Dublin and Belfast Commissioners jointly determine, and, where any existing officer entitled to compensation receives any appointment in either of the two new universities, or in any of the constituent colleges of the university having its seat at Dublin, the Commissioners in assessing the amount of compensation shall have regard to any advantage derived from that appointment.

(5) If any existing officer, who holds his existing office during the pleasure of His Majesty or the Lord Lieutenant, or is removable only by His Majesty or the Lord Lieutenant, in pursuance of this Act or of any charter granted thereunder is offered and accepts or is appointed to an office in either of the two new universities or in any of the constituent colleges of the new university having its seat at Dublin, he shall, notwithstanding anything in this Act or in the charter or statutes of the university or college, hold the office which he accepts during the pleasure of His Majesty or the Lord Lieutenant, as the case may be.

(6) Any existing officer who accepts an equivalent office in pursuance of this Act shall, for the purposes of superannuation and pension, be deemed to have continued in the same office.

(7) The Commissioners, by their schemes under this section, shall provide for the continuation, apportionment, and application of any pension or superannuation fund established for the benefit of any officers of the Royal University of Ireland, or of Queen's College, Belfast, or Queen's College, Cork, or Queen's College, Galway.

4 & 5 Will. 4. c. 24. 55 & 56 Vict. c. 40.

(8) Where an existing officer holding an office to which the Superannuation Acts, 1834 to 1892, apply accepts in pursuance of this Act an equivalent office, that officer shall have the same right as respects any superannuation allowance or gratuity as he would have had if those Acts continued to apply to his service in the office accepted or in any other office in either of the two new universities or any of the constituent colleges of the new university having its seat at Dublin to which he may be thereafter appointed, but the superannuation allowance or gratuity shall be paid out of the funds of the university or college of which he is an officer when the allowance or gratuity becomes payable.

If any question arises whether any person has any right to a superannuation allowance or gratuity in pursuance of this provision, or as to the amount of any such superannuation allowance or gratuity, that question shall be referred to the Treasury, and the decision of the Treasury on the question shall be binding on all parties.

Nothing in this provision shall prevent the governing body of either of the two new universities, or any of the constituent colleges of the new university having its seat at Dublin, giving any superannuation allowance to any officer holding an office to which the Superannuation Acts, 1834 to 1892, apply otherwise than in pursuance of this provision.

Appeals; and effect of schemes.

17.—(1) An appeal may be presented to the Lord Lieutenant in Council—

(*a*) against any scheme of the Commissioners relating to the transfer of property, or any provision thereof, by the governing body of either of the new universities or of the new college having its seat at Dublin, or by any person directly affected by the scheme; and

(*b*) against any scheme in relation to existing officers or any provision thereof, or any determination of the Commissioners with respect to the payment of compensation, by the governing body of either of the new universities or of Queen's College, Cork, or Queen's College, Galway, or by any existing officer.

(2) Any such appeal shall be heard by the Irish Universities Committee, who shall advise the Lord Lieutenant as to the appeal.

(3) The decision of the Lord Lieutenant in Council on any appeal shall be binding on all parties, and any scheme or

provision of a scheme may be modified by the Lord Lieutenant in Council in accordance with his decision on the appeal.

(4) A scheme made by the Commissioners under this Act shall have effect as if enacted in this Act, and, if it is modified on appeal under this section, shall have effect as so modified, and the Commissioners shall cause notice of all such schemes to be published in the Dublin Gazette.

Irish Universities Committee.

18.—(1) There shall be a committee of the Privy Council in Ireland styled the Irish Universities Committee. The committee shall consist of such number of members of the Privy Council in Ireland, not being less than five, as the Lord Lieutenant may think fit to appoint, two at least being persons who are or have been judges of the supreme court.

(2) The powers and duties of the Irish Universities Committee may be exercised and discharged by any three or more members of the committee, so long as one of those members is a person who is or has been a judge of the supreme court, and, in the case of appeals under section seventeen of this Act, then so long as two of those members are persons who are or have been judges of the supreme court.

(3) The costs of all parties of and incident to the hearing of any petition or appeal under this Act which is heard by the Irish Universities Committee shall be in the discretion of the committee.

(4) The Lord Lieutenant in Council may make rules generally for regulating the procedure of the Irish Universities Committee, and may, by those rules, prescribe the time within which any appeal under this Act may be made, and the mode in which any costs allowed under this Act may be recovered.

Definitions.

19.—(1) For the purposes of this Act an office shall be deemed to be an equivalent office if the duties of the office are similar or analogous to those of the existing office, and if the remuneration and tenure of the office are not worse than those of the existing office.

(2) For the purposes of this Act the expression "officer" includes any president, professor, fellow, lecturer, secretary, bursar, registrar, or other officer engaged in the teaching or management of the business of the Royal University of Ireland, Queen's College, Belfast, Queen's College, Cork, or Queen's College, Galway, or any servant in regular employment in that university or college, and the expression "existing officer" means any such officer who is holding office at the time of the commencement of this Act.

Supplemental.

Commencement of Act.

20. This Act shall come into operation on such day, not being more than two years after the passing thereof, as the Lord

Lieutenant may appoint, and different days may be appointed for different purposes and for different provisions of this Act.

Any reference in any provision of this Act to the appointed day shall be construed as a reference to the day appointed under this section for the commencement of the operation of that provision.

Repeal and short title.

21.—(1) The enactments mentioned in the Fourth Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

(2) This Act may be cited as the Irish Universities Act, 1908.

SCHEDULES.

Section 1.

FIRST SCHEDULE.

CONSTITUTION OF GOVERNING BODIES.

A.—*Governing Body of the new University having its seat in Dublin.*

The Chancellor of the University	1
The Presidents of the constituent Colleges	3
Persons nominated by His Majesty, of whom one at least shall be a woman	4
Elected by the Governing Body of the new College having its seat in Dublin, three at least being members of the Academic Council of the College	6
Elected by the Governing Body of Queen's College, Cork, two at least being members of the Academic Council of the College	4
Elected by the Governing Body of Queen's College, Galway, two at least being members of the Academic Council of the College	4
The Registrar	1
Members of Convocation elected by Convocation of the University	8
Co-opted	4
In all	35

B.—*Governing Body of the new University having its seat at Belfast.*

The Chancellor	1
The Pro-Chancellors	2 or 3
The President of the University who is ex-officio Vice-Chancellor	1
Carried forward	4 or 5

Brought forward -	4 or 5
Persons nominated by His Majesty, of whom one at least shall be a woman - - - - -	4
Professors of the University elected by the Academic Council - - - - - -	6
Members of Convocation elected by Convocation -	8
The Registrar - - - - - - -	1
The President for the time being of the Students' Representative Council, if a Graduate of the University -	1
Elected by the Executive Committee of the Better Equipment Fund - - - -	3
Elected by the Belfast Technical Instruction Committee -	1
A person representing the Corporation of Belfast, to be elected by the Corporation - - -	1
A person representing the Belfast Chamber of Commerce, to be elected by the Council of the Chamber - -	1
A representative of the Royal Victoria Hospital, Belfast, to be elected by the Board of Management of that Hospital - - - - - -	1
Co-opted - - - - - - -	4
In all - - -	35 or 36

In this Schedule the expression "Academic Council," as applied to any University or College, means the Council to be constituted by that name under the Charter of the University or College.

SECOND SCHEDULE.

Section 6.

PROVISIONS APPLICABLE TO COMMISSIONERS.

1. If the chairman of the Commissioners is absent from any meeting, the Commissioners present shall choose a chairman.

2. The powers of the Commissioners may be exercised at a meeting at which a majority of the Commissioners are present.

3. In case of an equality of votes on a question at a meeting, the chairman of the meeting shall have a second or casting vote in respect of that question.

4. The Commissioners shall have a common seal which shall be judicially noticed.

5. Any act of the Commissioners shall not be invalid by reason only of any vacancy in their body; but, if at any time, and as long as, the number of persons acting as Commissioners is less than five, the Commissioners shall discontinue the exercise of their powers.

6. At each meeting of the joint committee the Commissioners present shall choose a chairman for the meeting. In case of an equality of votes on any motion as to the chairmanship of the meeting, the question shall be decided by lot.

7. The powers of the joint committee may be exercised at a meeting at which at least five members of the joint committee are present.

8. In case of an equality of votes on any question at a meeting of the joint committee (other than the question of the chairmanship of a meeting), the chairman of the meeting shall have a second or casting vote in respect of that question.

9. The joint committee shall have a common seal, which shall be judicially noticed.

10. Any act of the joint committee shall not be invalid by reason only of any vacancy in their body.

GENERAL.

11. Subject to the foregoing provisions, the Commissioners and the joint committee may regulate their proceedings in such manner as they think fit.

Section 7.

THIRD SCHEDULE.

PART I.

	£
The new university having its seat at Belfast	18,000
The new college having its seat at Dublin	32,000
Queen's College, Cork	20,000
Queen's College, Galway	12,000
	£82,000

PART II.

	£
In the case of the new university having its seat at Belfast, the maximum sum shall be	60,000
In the case of the new university and college having their seats at Dublin, the combined maximum sum shall be	150,000
In the case of Queen's College, Cork, the maximum sum shall be	14,000
In the case of Queen's College, Galway, the maximum sum shall be	6,000
	£230,000

Section 21.

FOURTH SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
8 & 9 Vict. c. 66.	The Queen's Colleges (Ireland) Act, 1845.	The whole Act.
42 & 43 Vict. c. 65.	The University Education (Ireland) Act, 1879.	The whole Act.
44 & 45 Vict. c. 52.	The Royal University of Ireland Act, 1881.	Section one, from ("The sums "so provided") down to the end of the section and section two.

CHAPTER 39.

An Act to make provision with respect to the tenure of office of Masters of Endowed Schools.

[1st August 1908.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Tenure of office of masters of endowed schools.

1.—(1) Notwithstanding anything contained in any scheme made with reference to an endowed school, any master in the school, by whomsoever appointed, and whether appointed before or after the passing of this Act, shall be deemed to be in the employment of the governing body for the time being of the school.

(2) It is hereby declared that, notwithstanding anything in section twenty-two of the Endowed Schools Act, 1869, any provision in any scheme, whether made before or after the passing of this Act, providing for notice being given to a master before he is dismissed from office, shall have full effect. 32 & 33 Vict. c. 56.

(3) Subject to any special provisions as to notice contained in any scheme relating to an endowed school, and subject to any special agreement as to notice, the dismissal of a master in an endowed school, whether appointed before or after the passing of this Act, shall not take effect except at the end of a school term, and except after at least two months' notice of dismissal has been given to him by or on behalf of the governing body of the school.

(4) Nothing in this Act or in any scheme, whether made before or after the passing of this Act, shall prevent the dismissal of a master without notice for misconduct or other good and urgent cause.

Saving for effect of judgments of court.

2. Nothing in this Act shall prejudice the operation or enforcement of any judgment or order of any court of competent jurisdiction pronounced or made before the first day of August nineteen hundred and eight, as between the parties to the proceedings in which the judgment was pronounced or the order made, and any appeal from any such judgment or order shall be decided as if this Act had not passed.

Definitions.

3. In this Act—

The expression "endowed school" means an endowed school within the meaning of section six of the Endowed Schools Act, 1869, and includes any school which would be treated as an endowed school within the meaning of that section if section eight of that Act had not been enacted: Provided that nothing in this Act shall apply to a public elementary school or to any school which is one of the schools mentioned in section three of the Public Schools Act, 1868: 31 & 32 Vict. c. 118.

The expression "scheme" means a scheme made under the Endowed Schools Acts, 1869 to 1889, or under the Charitable Trusts Acts, 1853 to 1894, with reference to an endowed school:

The expression "master" means any teacher or officer in the school, and includes the principal teacher.

Short title.

4. This Act may be cited as the Endowed Schools (Masters) Act, 1908, and may be cited with the Endowed Schools Acts, 1869 to 1889.

CHAPTER 40.

An Act to provide for Old Age Pensions.

[1st August 1908.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Right to receive old age pension.

1.—(1) Every person in whose case the conditions laid down by this Act for the receipt of an old age pension (in this Act referred to as statutory conditions) are fulfilled, shall be entitled to receive such a pension under this Act so long as those conditions continue to be fulfilled, and so long as he is not disqualified under this Act for the receipt of the pension.

(2) An old age pension under this Act shall be at the rate set forth in the schedule to this Act.

(3) The sums required for the payment of old age pensions under this Act shall be paid out of moneys provided by Parliament.

(4) The receipt of an old age pension under this Act shall not deprive the pensioner of any franchise, right, or privilege, or subject him to any disability.

Statutory conditions for receipt of old age pension.

2. The statutory conditions for the receipt of an old age pension by any person are—

(1) The person must have attained the age of seventy:

(2) The person must satisfy the pension authorities that for at least twenty years up to the date of the receipt of any sum on account of a pension he has been a British subject, and has had his residence, as defined by regulations under this Act, in the United Kingdom:

(3) The person must satisfy the pension authorities that his yearly means as calculated under this Act do not exceed thirty-one pounds ten shillings.

Disqualification for old age pension.

3.—(1) A person shall be disqualified for receiving or continuing to receive an old age pension under this Act, notwithstanding the fulfilment of the statutory conditions—

(a) While he is in receipt of any poor relief (other than relief excepted under this provision), and, until the

thirty-first day of December nineteen hundred and ten unless Parliament otherwise determines, if he has at any time since the first day of January nineteen hundred and eight received, or hereafter receives, any such relief: Provided that for the purposes of this provision—

(i) any medical or surgical assistance (including food or comforts) supplied by or on the recommendation of a medical officer; or

(ii) any relief given to any person by means of the maintenance of any dependant of that person in any lunatic asylum, infirmary, or hospital, or the payment of any expenses of the burial of a dependant; or

(iii) any relief (other than medical or surgical assistance, or relief herein-before specifically exempted) which by law is expressly declared not to be a disqualification for registration as a parliamentary elector, or a reason for depriving any person of any franchise, right, or privilege;

shall not be considered as poor relief:

(*b*) If, before he becomes entitled to a pension, he has habitually failed to work according to his ability, opportunity, and need, for the maintenance or benefit of himself and those legally dependent upon him:

Provided that a person shall not be disqualified under this paragraph if he has continuously for ten years up to attaining the age of sixty, by means of payments to friendly, provident, or other societies, or trade unions, or other approved steps, made such provision against old age, sickness, infirmity, or want or loss of employment as may be recognised as proper provision for the purpose by regulations under this Act, and any such provision, when made by the husband in the case of a married couple living together, shall as respects any right of the wife to a pension, be treated as provision made by the wife as well as by the husband:

(*c*) While he is detained in any asylum within the meaning of the Lunacy Act, 1890, or while he is being maintained in any place as a pauper or criminal lunatic: 53 & 54 Vict. c. 5.

(*d*) During the continuance of any period of disqualification arising or imposed in pursuance of this section in consequence of conviction for an offence.

(2) Where a person has been before the passing of this Act, or is after the passing of this Act, convicted of any offence, and ordered to be imprisoned without the option of a fine or to suffer any greater punishment, he shall be disqualified for

receiving or continuing to receive an old age pension under this Act while he is detained in prison in consequence of the order, and for a further period of ten years after the date on which he is released from prison.

(3) Where a person of sixty years of age or upwards having been convicted before any court is liable to have a detention order made against him under the Inebriates Act, 1898, and is not necessarily, by virtue of the provisions of this Act, disqualified for receiving or continuing to receive an old age pension under this Act, the court may, if they think fit, order that the person convicted be so disqualified for such period, not exceeding ten years, as the court direct.

61 & 62 Vict. c. 60.

Calculation of means.

4.—(1) In calculating the means of a person for the purpose of this Act account shall be taken of—

(*a*) the income which that person may reasonably expect to receive during the succeeding year in cash, excluding any sums receivable on account of an old age pension under this Act, that income, in the absence of other means for ascertaining the income, being taken to be the income actually received during the preceding year;

(*b*) the yearly value of any advantage accruing to that person from the use or enjoyment of any property belonging to him which is personally used or enjoyed by him;

(*c*) the yearly income which might be expected to be derived from any property belonging to that person which, though capable of investment or profitable use, is not so invested or profitably used by him; and

(*d*) the yearly value of any benefit or privilege enjoyed by that person.

(2) In calculating the means of a person being one of a married couple living together in the same house, the means shall not in any case be taken to be a less amount than half the total means of the couple.

(3) If it appears that any person has directly or indirectly deprived himself of any income or property in order to qualify himself for the receipt of an old age pension, or for the receipt of an old age pension at a higher rate than that to which he would otherwise be entitled under this Act, that income or the yearly value of that property shall, for the purposes of this section, be taken to be part of the means of that person.

Mode of paying pensions.

5.—(1) An old age pension under this Act, subject to any directions of the Treasury in special cases, shall be paid weekly in advance in such manner and subject to such conditions as to identification or otherwise as the Treasury direct.

(2) A pension shall commence to accrue on the first Friday after the claim for the pension has been allowed, or, in the case of a claim provisionally allowed, on the first Friday after

the day on which the claimant becomes entitled to receive the pension.

Old age pension to be inalienable.

6. Every assignment of or charge on and every agreement to assign or charge an old age pension under this Act shall be void, and, on the bankruptcy of a person entitled to an old age pension, the pension shall not pass to any trustee or other person acting on behalf of the creditors.

Determination of claims and questions.

7.—(1) All claims for old age pensions under this Act and all questions whether the statutory conditions are fulfilled in the case of any person claiming such a pension, or whether those conditions continue to be fulfilled in the case of a person in receipt of such a pension, or whether a person is disqualified for receiving or continuing to receive a pension, shall be considered and determined as follows:—

(*a*) Any such claim or question shall stand referred to the local pension committee, and the committee shall (except in the case of a question which has been originated by the pension officer and on which the committee have already received his report), before considering the claim or question, refer it for report and inquiry to the pension officer:

(*b*) The pension officer shall inquire into and report upon any claim or question so referred to him, and the local pension committee shall, on the receipt of the report of the pension officer and after obtaining from him or from any other source if necessary any further information as to the claim or question, consider the case and give their decision upon the claim or question:

(*c*) The pension officer, and any person aggrieved, may appeal to the central pension authority against a decision of the local pension committee allowing or refusing a claim for pension or determining any question referred to them within the time and in the manner prescribed by regulations under this Act, and any claim or question in respect of which an appeal is so brought shall stand referred to the central pension authority, and shall be considered and determined by them:

(*d*) If any person is aggrieved by the refusal or neglect of a local pension committee to consider a claim for a pension, or to determine any question referred to them, that person may apply in the prescribed manner to the central pension authority, and that authority may, if they consider that the local pension committee have refused or neglected to consider and determine the claim or question within a reasonable time, themselves consider and determine the claim or question in the same manner as on an appeal from the decision of the local pension committee:

(2) The decision of the local pension committee on any claim or question which is not referred to the central pension authority, and the decision of the central pension authority on any claim or question which is so referred to them, shall be final and conclusive.

Local pension committee, central pension authority, and pension officers.

8.—(1) The local pension committee shall be a committee appointed for every borough and urban district, having a population according to the last published census for the time being of twenty thousand or over, and for every county (excluding the area of any such borough or district), by the council of the borough, district, or county.

The persons appointed to be members of a local pension committee need not be members of the council by which they are appointed.

(2) A local pension committee may appoint such and so many sub-committees, consisting either wholly or partly of the members of the committee as the committee think fit, and a local pension committee may delegate, either absolutely or under such conditions as they think fit, to any such sub-committee any powers and duties of the local pension committee under this Act.

(3) The central pension authority shall be the Local Government Board, and the Board may act through such committee, persons, or person appointed by them as they think fit.

(4) Pension officers shall be appointed by the Treasury, and the Treasury may appoint such number of those officers as they think fit to act for such areas as they direct.

(5) Any reference in this Act to pension authorities shall be construed as a reference to the pension officer, the local pension committee, and the central pension authority, or to any one of them, as the case requires.

Penalty for false statements, &c., and repayment where pensioner is found not to have been entitled to pension.

9.—(1) If for the purpose of obtaining or continuing an old age pension under this Act, either for himself or for any other person, or for the purpose of obtaining or continuing an old age pension under this Act for himself or for any other person at a higher rate than that appropriate to the case, any person knowingly makes any false statement or false representation, he shall be liable on summary conviction to imprisonment for a term not exceeding six months, with hard labour.

(2) If it is found at any time that a person has been in receipt of an old age pension under this Act while the statutory conditions were not fulfilled in his case or while he was disqualified for receiving the pension, he or, in the case of his death, his personal representative, shall be liable to repay to the Treasury any sums paid to him in respect of the pension while the statutory conditions were not fulfilled or while he was disqualified for receiving the pension, and the amount of those sums may be recovered as a debt due to the Crown.

Regulations and expenses.

10.—(1) The Treasury in conjunction with the Local Government Board and with the Postmaster-General (so far as relates to the Post Office) may make regulations for carrying this Act into effect, and in particular—

(*a*) for prescribing the evidence to be required as to the fulfilment of statutory conditions and for defining the meaning of residence for the purposes of this Act; and

(*b*) for prescribing the manner in which claims to pensions may be made, and the procedure to be followed on the consideration and determination of claims and questions to be considered and determined by pension officers and local pension committees or by the central pension authority, and the mode in which any question may be raised as to the continuance, in the case of a pensioner, of the fulfilment of the statutory conditions, and as to the disqualification of a pensioner; and

(*c*) as to the number, quorum, term of office, and proceedings generally of the local pension committee and the use by the committee, with or without payment, of any offices of a local authority, and the provision to be made for the immediate payment of any expenses of the committee which are ultimately to be paid by the Treasury.

(2) The regulations shall provide for enabling claimants for pensions to make their claims and obtain information as respects old age pensions under this Act through the Post Office, and for provisionally allowing claims to pensions before the date on which the claimant will become actually entitled to the pension, and for notice being given by registrars of births and deaths to the pension officers or local pension committees of every death of a person over seventy registered by them, in such manner and subject to such conditions as may be laid down by the regulations, and for making the procedure for considering and determining on any claim for a pension or question with respect to an old age pension under this Act as simple as possible.

(3) Every regulation under this Act shall be laid before each House of Parliament forthwith, and, if an address is presented to His Majesty by either House of Parliament within the next subsequent twenty-one days on which that House has sat next after any such regulation is laid before it, praying that the regulation may be annulled, His Majesty in Council may annul the regulation, and it shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder.

(4) Any expenses incurred by the Treasury in carrying this Act into effect, and the expenses of the Local Government Board and the local pension committees under this Act up to an

amount approved by the Treasury, shall be defrayed out of moneys provided by Parliament.

Application to Scotland, Ireland, and the Scilly Isles.

11.—(1) In the application of this Act to Scotland, the expression "Local Government Board" means the Local Government Board for Scotland; the expression "borough" means royal or parliamentary burgh; the expression "urban district" means police burgh; the population limit for boroughs and urban districts shall not apply; and the expression "Lunacy Act, 1890," means the Lunacy (Scotland) Acts, 1857 to 1900.

(2) In the application of this Act to Ireland, the expression "Local Government Board" means the Local Government Board for Ireland; ten thousand shall be substituted for twenty thousand as the population limit for boroughs and urban districts; and the expression "asylum within the meaning of the Lunacy Act, 1890," means a lunatic asylum within the meaning of the Local Government (Ireland) Act, 1898.

61 & 62 Vict. c. 37.

(3) In the application of this Act to the Isles of Scilly, those isles shall be deemed to be a county and the council of those isles the council of a county.

Commencement and short title.

12.—(1) A person shall not be entitled to the receipt of an old age pension under this Act until the first day of January nineteen hundred and nine and no such pension shall begin to accrue until that day.

(2) This Act may be cited as the Old Age Pensions Act, 1908.

Section 1.

SCHEDULE.

Means of Pensioner.	Rate of Pension per Week.
	s. *d.*
Where the yearly means of the pensioner as calculated under this Act—	
Do not exceed 21*l.*	5 0
Exceed 21*l.*, but do not exceed 23*l.* 12*s.* 6*d.*	4 0
Exceed 23*l.* 12*s.* 6*d.*, but do not exceed 26*l.* 5*s.*	3 0
Exceed 26*l.* 5*s.*, but do not exceed 28*l.* 17*s.* 6*d.*	2 0
Exceed 28*l.* 17*s.* 6*d.*, but do not exceed 31*l.* 10*s.*	1 0
Exceed 31*l.* 10*s.*	No pension.

CHAPTER 41.

An Act to dispense with the Attendance of Jurors at Assizes and Quarter Sessions and with the Holding of Assizes and Quarter Sessions in certain cases, and to amend the Law relating to the dates at which Quarter Sessions are to be held. [21st December 1908.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Notice dispensing with attendance of jurors at assizes or quarter sessions where there is no business for them to transact.

1.—(1) If, not more than five days before the commission day in the case of assizes, and the day appointed for holding the court in the case of quarter sessions, it appears to the proper officer that the attendance of any jurors summoned to attend at the court of assize or quarter sessions will not be required by reason of there being no business to be transacted for which those jurors are required, that officer may, in manner provided by this Act, cause notice to be sent by post to those jurors by or on behalf of the person who has summoned them dispensing with their attendance in pursuance of the summons, and any person so summoned as juror to whom such a notice is sent shall not be liable to any fine or penalty for failing to attend in pursuance of the summons.

(2) For the purpose of causing notice to be sent under this section, the proper officer, if he is not himself the person who has summoned the jurors, may direct the sheriff, under-sheriff, or other officer who has summoned the jurors to send the required notice, and that officer shall send the notice as so directed.

(3) Where the proper officer causes notices to be sent to jurors dispensing with their attendance, he shall at the same time send information thereof to all clerks to justices in the county or area for which the assizes or quarter sessions are to be held, and those justices shall, after the receipt of that information, in committing any person for trial, act as if the assizes or quarter sessions were not to be held:

Provided that the justices may, if they think fit, for the purpose of enabling any person who would have been committed for trial at any such assizes or quarter sessions to have an early trial in case he is not admitted to bail, commit him for trial at any other assizes or quarter sessions about to be held at any place or town convenient for the trial, and His Majesty may by Order in Council make such provisions as to the jurisdiction of the court, and the attendance, jurisdiction, authority, and duty of sheriffs, gaolers, officers, jurors, and persons, the use of any prison, the removal of prisoners, the alteration of any commissions, writs, precepts, indictments, recognizances, proceedings, and documents, the transmission of recognizances, inquisitions,

and documents, and the expenses of prosecutors and witnesses, and of maintaining and removing prisoners, as seem necessary or expedient to carry into effect this provision, but:—

(*a*) the costs and expenses of any prosecutors and witnesses shall be paid by the council of the county or borough who would have been liable to pay those costs and expenses if the person had been committed for trial in the ordinary course; and

(*b*) the council of the county or borough who would have paid the costs of the trial of the person, if he had been committed in the ordinary course, shall pay to the council of the county or borough by whom the costs of the assizes or quarter sessions to which he is committed under this provision are paid, such sum on account of his trial as may be agreed upon between the councils, or, in default of agreement, determined by the Secretary of State.

If the justices have already committed any person for trial at the assizes or quarter sessions in respect of which notices have been sent under this section, they shall have power to alter the committal, and to make any alteration or extension of any recognizances which may appear necessary under the circumstances.

(4) Any warrant for arresting or detaining any person, and any recognizance to appear and give evidence, or to appear for trial, issued or taken in the case of a person charged with murder or manslaughter on a coroner's inquisition, shall, if the trial of the person charged cannot take place in the ordinary course owing to assizes to which the warrant or recognizances relate not being held by virtue of the provisions of this Act, continue in operation until the next assizes, or, if the person charged is committed to any other assizes by justices, such other assizes.

(5) Any person having by law a right to present a bill of indictment to a grand jury in a case where no person has been committed for trial, and proposing to do so at any assizes or quarter sessions, shall give notice of his intention to do so to the proper officer more than five days before the commission day or day appointed for holding the court of quarter sessions, as the case may be.

Obligation to hold assizes and quarter sessions dispensed with in certain cases.

2. Where notices have been given in pursuance of this Act dispensing with the attendance of all jurors at any assizes or quarter sessions, it shall not be necessary to hold the court of assize or court of quarter sessions in respect of which the notices have been given unless there is any business not requiring the attendance of jurors to be transacted by the court.

Extension of time in which county quarter sessions are to be held.

3.—(1) A court of quarter sessions for a county, or the justices of the county assembled at special meeting (which special meeting they are hereby authorised to hold), may at any time when it appears desirable, for any purpose fix or alter

the time for holding the next court of quarter sessions, so that the sessions be held not earlier than fourteen days before nor later than fourteen days after the week in which they would otherwise be held.

(2) The Quarter Sessions Act, 1894, is hereby repealed. 57 & 58 Vict. c. 6.

4. For the purposes of this Act— Definitions.

The expression "proper officer" means, as respects assizes, the clerk of assize, and, as respects quarter sessions, the clerk of the peace of the county or borough for which the court of quarter sessions is held; and

The expression "commission day" means the day named in the London Gazette as the day appointed for the holding of assizes at any place.

5. This Act may be cited as the Assizes and Quarter Sessions Act, 1908. Short title.

CHAPTER 42.

An Act to prohibit the Manufacture, Sale, and Importation of Matches made with White Phosphorus, and for other purposes in connection therewith.

[21st December 1908.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1.—(1) It shall not be lawful for any person to use white phosphorus in the manufacture of matches, and any factory in which white phosphorus is so used shall be deemed to be a factory not kept in conformity with the Factory and Workshop Act, 1901, and that Act shall apply accordingly. Prohibition of use of white phosphorus in manufacture of matches. 1 Edw. 7. c. 22.

(2) The occupier of any factory in which the manufacture of matches is carried on shall allow an inspector under the Factory and Workshop Act, 1901, at any time to take for analysis sufficient samples of any material in use or mixed for use, and, if he refuses to do so, shall be guilty of obstructing the inspector in the execution of his duties under that Act:

Provided that the occupier may, at the time when the sample is taken, and on providing the necessary appliances, require the inspector to divide the sample so taken into two parts and to mark, seal, and deliver to him one part.

2. It shall not be lawful for any person to sell or to offer or expose for sale or to have in his possession for the purposes Prohibition of sale.

of sale any matches made with white phosphorus, and, if any person contravenes the provisions of this section, he may on complaint to a court of summary jurisdiction be ordered to forfeit any such matches in his possession, and any matches so forfeited shall be destroyed or otherwise dealt with as the court may think fit, but this provision shall not come into operation as respects any retail dealer until the first day of January, nineteen hundred and eleven.

Prohibition of importation.

3. It shall not be lawful to import into the United Kingdom matches made with white phosphorus, and matches so made shall be included amongst the goods enumerated and described in the table of prohibitions and restrictions contained in section forty-two of the Customs Consolidation Act, 1876.

39 & 40 Vict. c. 36.

Compulsory licence to use patents.

4.—(1) Any person who is manufacturing or proposing to manufacture matches by way of trade may present a petition to the Board of Trade, praying for the grant of a compulsory licence to use any process patented at the passing of this Act for the manufacture of matches without white phosphorus, other than matches intended to strike only on a surface specially prepared for the purpose.

(2) The Board of Trade, after considering any representations that may be made by the patentee as defined by the Patents and Designs Act, 1907, and any person claiming an interest in the patent as exclusive licensee or otherwise, and, after consultation with the Secretary of State, may order the patentee to grant a licence to the petitioner on such terms as the Board may think just. The provisions of the Board of Trade Arbitrations, &c., Act, 1874, shall apply to proceedings under this section as if this Act were a special Act within the meaning of that Act.

7 Edw. 7. c. 29.

37 & 38 Vict. c. 40.

(3) An order of the Board directing the grant of a licence under this section shall, without prejudice to any other method of enforcement, operate as if it were embodied in a deed granting a licence and made between the petitioner and the patentee and such other persons claiming an interest in the patent as aforesaid.

Short title, commencement, and construction.

5.—(1) This Act may be cited as the White Phosphorus Matches Prohibition Act, 1908, and shall, except as otherwise expressly provided, come into operation on the first day of January nineteen hundred and ten.

(2) For the purposes of this Act the expression "white phosphorus" means the substance usually known as white or yellow phosphorus.

CHAPTER 43.

An Act to provide for the Admission of Representatives of the Press to the Meetings of certain Local Authorities.

[21st December 1908.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Representatives of the press to be admitted to the meetings of a local authority subject to a proviso.

1. Representatives of the press shall be admitted to the meetings of every local authority: Provided that a local authority may temporarily exclude such representatives from a meeting as often as may be desirable at any meeting when, in the opinion of a majority of the members of the local authority present at such meeting, expressed by resolution, in view of the special nature of the business then being dealt with or about to be dealt with, such exclusion is advisable in the public interest.

Definitions

2. For the purposes of this Act the expression "local authority" means—

(*a*) A council of a county, county borough, borough (including a metropolitan borough), urban district, rural district, or parish, and a joint committee or joint board of any two or more such councils to which any of the powers or duties of the appointing councils may have been transferred or delegated under the provisions of any Act of Parliament or Provisional Order; and a parish meeting under the provisions of the Local Government Act, 1894; 56 & 57 Vict. c. 73.

(*b*) An education committee and a joint education committee, established under section seventeen of the Education Act, 1902, so far as respects any acts or proceedings which are not required to be submitted to the council or councils for its or their approval; 2 Edw. 7. c. 42.

(*c*) A board of guardians, and a joint committee constituted in pursuance of section eight of the Poor Law Act, 1879, and the board of management of any school or asylum district formed under any of the Acts relating to the relief of the poor; 42 & 43 Vict. c. 54.

(*d*) A central body and a distress committee under the Unemployed Workmen Act, 1905; 5 Edw. 7. c. 18.

(*e*) The Metropolitan Water Board and a joint water board constituted under the provisions of any Act of Parliament or Provisional Order;

(*f*) Any other local body which has, or may hereafter have, the power to make a rate.

The expression "rate" means a rate the proceeds of which are applicable to public local purposes, and leviable on the basis

of an assessment in respect of property, and includes any sum which, though obtained in the first instance by a precept, certificate, or other document requiring payment from some authority or officer, is or can be ultimately raised out of a rate.

The expression "representatives of the press" means duly accredited representatives of newspapers and duly accredited representatives of news agencies which systematically carry on the business of selling and supplying reports and information to newspapers.

Saving for committee meetings.

3. This Act shall not extend to any meeting of a committee of a local authority, as defined for the purposes of this Act, unless the committee is itself such an authority.

Powers of committee.

4. Nothing in this Act shall be construed so as to prohibit a committee of a local authority from admitting representatives of the press to its meetings.

Admission of the public.

5. Nothing in this Act shall be construed so as to prohibit a local authority from admitting the public to its meetings.

Application to Scotland.

6. In the application of this Act to Scotland—

(1) The expression "local authority" means—

(*a*) a county council, a town council, a parish council, a school board, and a district committee constituted under the Local Government (Scotland) Acts;

(*b*) a central body and a distress committee under the Unemployed Workmen Act, 1905;

(*c*) any other local body, board, joint board, or committee which has or may hereafter have the power to impose a rate as defined in section two of this Act, and which does not require to report its proceedings to any other local authority:

(2) The definition of the expression "local authority," in section two of this Act, shall not apply to Scotland.

Short title and extent.

7.—(1) This Act may be cited as the Local Authorities (Admission of the Press to Meetings) Act, 1908.

(2) This Act shall not extend to Ireland.

CHAPTER 44.

An Act to regulate the turning out upon Commons of Entire Animals. [21st December 1908.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Power of making regulations as to the turning out of entire animals on commons.

1.—(1) The persons for the time being entitled to turn out animals on a common at a meeting convened in manner provided by this Act may, by a resolution passed by a majority in value of interest of the persons present by themselves or by their proxy or attorney,—

(*a*) Make, alter, or revoke regulations for determining the times, if any, at which and the conditions under which entire animals or entire animals of any class or description or age specified in the regulation may be upon the common, and for authorising the removal by an officer appointed to enforce the regulations of any animal found upon the common in contravention of the regulations, and the detention and disposal of any animal so removed, and for raising such sums as may be necessary for defraying expenses incurred in making, publishing, or enforcing the regulations, either by annual contributions payable by the persons for the time being entitled to turn out animals on the common, or by way of an annual payment in respect of each animal turned out on the common, and for prescribing the person to receive or sue for such payments;

(*b*) Appoint and remove, or provide for the appointment and removal of, officers to enforce any such regulations;

(*c*) Constitute and regulate the constitution of a committee consisting of persons entitled to turn out animals on the common, and delegate to the committee such of the powers exerciseable by resolution under this Act as may be specified in the resolution;

but no such regulations and no alteration or revocation thereof shall take effect unless and until they have been confirmed by the Board of Agriculture and Fisheries, and the Board may confirm them either without modification or subject to such modifications as the Board, after considering any objections by persons appearing to the Board to be interested, consider desirable.

(2) The owner of any animal which is found on any common in contravention of a regulation made under this Act, and any person who obstructs any officer appointed under this Act in the execution or enforcement of a regulation, shall be liable on summary conviction to a fine not exceeding two pounds, or in the case of a continuing offence not exceeding ten shillings for every day during which the offence continues; and where a fine is recovered on the information of an officer appointed under this Act the court may direct the whole or any part of the penalty to be paid to such officer, to be applied by him towards the expenses of enforcing the regulations made under this Act.

(3) A meeting for the purposes of this Act may be convened in respect of any common by the Board of Agriculture and Fisheries upon the application of any three persons claiming to be entitled to turn out animals upon the common or of the

council of the county in which any part of the common is situate.

(4) The value of the interest of any person for the time being entitled to turn out animals on a common shall be ascertained, and a meeting for the purposes of this Act shall be convened and held, and proxies and attorneys shall be appointed, in accordance with rules made by the Board of Agriculture and Fisheries.

(5) If any question arises as to whether a resolution has been passed by the required majority, the question shall be settled by the Board of Agriculture and Fisheries, whose decision shall be final for the purposes of this Act, but such decision shall not otherwise affect or prejudice any right or claim in respect of the common.

(6) No regulation approved by the Board of Agriculture and Fisheries shall be questioned on the ground of informality, and the Documentary Evidence Acts, 1868 to 1895, shall apply to regulations so approved as if they were regulations issued by the Board.

(7) For the purposes of this Act two or more adjoining commons may, by order of the Board of Agriculture and Fisheries, be declared to be one common, and shall be treated as such accordingly.

(8) This Act shall apply to a common notwithstanding that the soil of the common is vested in His Majesty by right of His Crown or His Duchy of Lancaster or forms part of the possessions of the Duchy of Cornwall, but shall not apply to the New Forest or to any common in respect of which the conservators or other body appointed by or under any Act of Parliament to regulate the common have powers of making byelaws in respect of matters for which regulations may be made under this Act.

(9) In this Act the expression "animals" means horses, asses, cattle, sheep, goats, and swine, and the expression "common" includes any commonable land.

Application of Act to Dartmoor.

2. The powers by this Act conferred on the persons for the time being entitled to turn out animals on a common (except the power to raise money) may in the case of the forest or chase of Dartmoor be exercised by the Duke of Cornwall, but so that a regulation shall not be submitted for confirmation until it has been approved by a resolution passed by a majority in value of interest of the persons for the time being entitled to turn out animals on the forest or chase, present by themselves or by their proxy or attorney at a meeting of such persons convened in manner provided by this Act, and the provisions of this Act shall apply to the forest or chase accordingly.

Short title and extent.

3.—(1) This Act may be cited as the Commons Act, 1908.

(2) This Act shall not extend to Scotland or Ireland.

CHAPTER 45.

An Act to provide for the punishment of Incest.

[21st December 1908.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Incest by males

1.—(1) Any male person who has carnal knowledge of a female person, who is to his knowledge his grand-daughter, daughter, sister, or mother, shall be guilty of a misdemeanour, and upon conviction thereof shall be liable, at the discretion of the court, to be kept in penal servitude for any term not less than three years, and not exceeding seven years, or to be imprisoned for any time not exceeding two years with or without hard labour: Provided that if, on an indictment for any such offence, it is alleged in the indictment and proved that the female person is under the age of thirteen years, the same punishment may be imposed as may be imposed under section four of the Criminal Law Amendment Act, 1885 (which deals with the defilement of girls under thirteen years of age). 48 & 49 Vict. c. 69.

(2) It is immaterial that the carnal knowledge was had with the consent of the female person.

(3) If any male person attempts to commit any such offence as aforesaid, he shall be guilty of a misdemeanour, and upon conviction thereof shall be liable at the discretion of the court to be imprisoned for any time not exceeding two years with or without hard labour.

(4) On the conviction before any court of any male person of an offence under this section, or of an attempt to commit the same, against any female under twenty-one years of age, it shall be in the power of the court to divest the offender of all authority over such female, and, if the offender is the guardian of such female, to remove the offender from such guardianship, and in any such case to appoint any person or persons to be the guardian or guardians of such female during her minority or any less period:

Provided that the High Court may at any time vary or rescind the order by the appointment of any other person as such guardian, or in any other respect.

Incest by females of or over sixteen.

2. Any female person of or above the age of sixteen years who with consent permits her grandfather, father, brother, or son to have carnal knowledge of her (knowing him to be her grandfather, father, brother, or son, as the case may be) shall be guilty of a misdemeanour, and upon conviction thereof shall be liable, at the discretion of the court, to be kept in penal servitude for any term not less than three years, and not exceeding seven years, or to be imprisoned with or without hard labour for any term not exceeding two years.

Test of relationship.

3. In this Act the expressions "brother" and "sister," respectively, include half-brother and half-sister, and the provisions of this Act shall apply whether the relationship between the person charged with an offence under this Act and the person with whom the offence is alleged to have been committed, is or is not traced through lawful wedlock.

Prosecution of offences. 22 & 23 Vict. c. 17.

4.—(1) An offence under this Act shall be deemed to be an offence within, and subject to, the provisions of the Vexatious Indictments Act, 1859, and any Act amending the same.

(2) A court of quarter sessions shall not have jurisdiction to enquire of, hear, or determine any indictment for an offence against this Act, or for an attempt to commit any such offence.

(3) If, on the trial of any indictment for rape, the jury are satisfied that the defendant is guilty of an offence under this Act, but are not satisfied that the defendant is guilty of rape, the jury may acquit the defendant of rape and find him guilty of an offence under this Act, and he shall be liable to be punished accordingly.

If, on the trial of any indictment for an offence under this Act, the jury are satisfied that the defendant is guilty of any offence under sections four or five of the Criminal Law Amendment Act, 1885, but are not satisfied that the defendant is guilty of an offence under this Act, the jury may acquit the defendant of an offence under this Act and find him guilty of an offence under sections four or five of the Criminal Law Amendment Act, 1885, and he shall be liable to be punished accordingly.

(4) Section 4 of the Criminal Evidence Act, 1898, shall have effect as if this Act were included in the schedule to that Act.

Proceedings to be held in camera.

5. All proceedings under this Act are to be held in camera.

Sanction of Attorney-General.

6. No prosecution for any offence under this Act shall be commenced without the sanction of His Majesty's Attorney-General, but this section shall not apply to any prosecution commenced by or on behalf of the Director of Public Prosecutions.

Extent.

7. This Act shall not extend to Scotland.

Short title and commencement.

8. This Act may be cited as the Punishment of Incest Act, 1908, and shall come into operation on the first day of January one thousand nine hundred and nine.

CHAPTER 46.

An Act to amend the Criminal Appeal Act, 1907, with reference to the Judges of the Court of Criminal Appeal and the Registrar. [21st December 1908.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Judges of the Court of Criminal Appeal. 7 Edw. 7. c. 23.

1. Notwithstanding anything in section one of the Criminal Appeal Act, 1907, all the judges of the King's Bench Division of the High Court shall be judges of the Court of Criminal Appeal.

Registrar of the Court of Criminal Appeal.

2.—(1) Notwithstanding anything in section two of the Criminal Appeal Act, 1907, from and after the passing of this Act the Master of the Crown Office shall be the Registrar of the Court of Criminal Appeal.

(2) The power to provide additional staff for the Registrar of the Court of Criminal Appeal includes a power to appoint an Assistant Registrar, but any Assistant Registrar so appointed shall be either a Master of the Supreme Court acting in the King's Bench Division or a practising barrister of not less than seven years' standing, and shall be appointed by the Lord Chief Justice of England.

Short title.

3. This Act may be cited as the Criminal Appeal (Amendment) Act, 1908.

CHAPTER 47.

An Act to amend the Lunacy Acts, 1890 and 1891.

[21st December 1908.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Extension to quasi-committees of powers of committees with respect to management of property. 53 & 54 Vict. c. 5.

1. In the case of any of the persons mentioned in subsection (1) of section one hundred and sixteen of the Lunacy Act, 1890, not being a lunatic so found by inquisition, any powers which, if such person were a lunatic so found by inquisition, could be exercised by the committee of the estate, may be exercised by such person in such manner, and with or without security, as the Judge in Lunacy or, subject to Rules in Lunacy, a Master may direct, and any such order may confer on the person therein named authority to do any specified act or exercise any specified power, or may confer a general authority to exercise until further order all or any of such powers without further application to the Judge or a Master, and subsection (3) of the said section shall apply to every person so appointed, and subsection (2) of the said section shall be repealed.

Amendment of section 135 of the Lunacy Act, 1890.

2. The following subsection is substituted for subsection three of section one hundred and thirty-five of the Lunacy Act, 1890:—

"(3) An order under subsections one and two shall have the same effect as if the lunatic had been sane, and, if solely seised, possessed, or entitled as aforesaid,

had executed, or, if jointly seised, possessed, or entitled as aforesaid with any other person or persons, he and such other person or persons had executed a deed conveying the land for the estate named in the order, or releasing or disposing of the contingent right."

Orders of Judge and Masters in Lunacy.

3. Every order of the Masters shall be subject to appeal in the manner provided by Rules in Lunacy, and orders of the Judge in Lunacy and Masters shall be enforceable in manner provided by those rules, which may confer on the Judge and Masters any of the powers exerciseable by the High Court or the Judges or Masters thereof for the purpose of enforcing orders of the High Court.

Power to appoint Deputy-Master.

4. In case of the illness or unavoidable absence of a Master, the Lord Chancellor may appoint a barrister of not less than ten years' standing to be his deputy during such illness or absence, and such deputy shall, while his appointment remains in force, have all the powers and perform all the duties of a Master.

Short title, &c.

5. This Act may be cited as the Lunacy Act, 1908, and shall be read as one with the Lunacy Acts, 1890 and 1891, and those Acts and this Act may be cited together as the Lunacy Acts, 1890 to 1908.

CHAPTER 48.

An Act to consolidate Enactments relating to the Post Office. [21st December 1908.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

DUTIES OF POSTAGE.

Postal packets subject to charge.

1. Subject to the provisions of this Act, there shall be charged by the Postmaster-General for the use of His Majesty the King on all postal packets which are conveyed or delivered for conveyance by post under the authority of the Postmaster-General such postage and other sums as may be fixed in manner provided by this Act.

Power of Treasury to fix rates of postage.

2.—(1) The Treasury may, by warrant, fix the rates of postage and other sums to be charged in respect of postal packets under this Act, and regulate the scale of weights and the circumstances according to which those rates and sums are to be charged, and the power of the Postmaster-General, with

or without the consent of the Treasury, to remit any such rates or sums: Provided that—

(*a*) The lowest rate of postage in the British Islands for an inland letter shall not be less than one penny; and

(*b*) The highest rate of postage in the British Islands when prepaid—

(i) for an inland post card shall not exceed one halfpenny; or, if it is a reply post card (that is to say, a post card of such a description that the person receiving it through the post can, without further payment, again transmit the same or part thereof through the post), double that sum; and

(ii) for an inland book packet shall not exceed one halfpenny for every two ounces in weight, or for any fractional part of two ounces over and above the first or any additional two ounces; and

(iii) for each inland registered newspaper, whether with or without a supplement or supplements, and whether single or in a packet of two or more, shall not exceed one halfpenny; but

(iv) for an inland packet of two or more registered newspapers, with or without a supplement or supplements, shall not exceed the prepaid postage for an inland book packet of the same weight; and

(*c*) The highest rate of prepaid postage on a single newspaper sent by post between the British Islands and places out of the British Islands or between places out of the British Islands whether through the British Islands or not, shall not exceed threepence, exclusive of any additional charge made by any British possession or any foreign country:

(*d*) A warrant under this section may fix special rates for postal packets consisting of books and papers impressed for the use of the blind, and may specify any special conditions and regulations in respect of the transmission by post of such packets.

(2) Where an inland letter or packet (other than votes or parliamentary proceedings) in the British Islands is not prepaid, or is insufficiently prepaid, the postage charged on the letter or packet shall, subject to any warrant of the Treasury under this Act, be double the amount, if the letter or packet is not prepaid, of the postage otherwise chargeable thereon, and, if it is insufficiently prepaid, of the deficiency.

(3) Post Office regulations may determine—

(*a*) what circulars or what commercial, legal, and other similar documents; and

(*b*) what marks or indications referring to the contents of a registered newspaper, when written or printed on the newspaper or on the cover thereof,

shall not be charged with postage as letters.

(4) Post Office regulations may make provisions respecting the re-direction of postal packets, and the transmission of postal packets so re-directed, either free of charge or subject to such postage as may be specified in the regulations.

Payment of postage by addressee or sender.

3.—(1) Where the postage or any other sum chargeable on any postal packet is not prepaid by the sender or is insufficiently prepaid, the postage or sum, or the deficiency, as the case may be, shall be paid by the person to whom the postal packet is addressed (in this Act styled the addressee) on the delivery thereof to him; or, if the postal packet is refused, or the addressee is dead or cannot be found, by the sender.

(2) Where the postage or any other sum chargeable on a postal packet has not been prepaid or has been insufficiently prepaid by the sender, and the addressee on receiving the packet and paying the postage or other sum, or the deficiency, as the case may be, desires to reject it, and to compel the sender thereof to pay the postage or other sum, or the deficiency, as the case may be, the Postmaster-General, on the application of the addressee, and subject to Post Office regulations, may charge the postage or other sum, or the deficiency, as the case may be, to the sender, with the additional postage of returning the packet to him, and in every such case the sender of the postal packet shall pay the postage or other sum chargeable on sending the packet, or the deficiency, as the case may be, and also the postage of returning the packet, and on the payment thereof by the sender the amount paid in respect of postage by the addressee shall be repaid to him by the Postmaster-General.

(3) Provided that nothing in this section shall release the addressee from his liability to pay the postage or other sum chargeable on a packet or any deficiency thereon on the delivery thereof to him.

Power of Treasury to carry into effect postal arrangements with foreign states.

4. Where an arrangement has, either before or after the passing of this Act, been made by His Majesty with any foreign state with respect to the conveyance by post of any postal packets between the British Islands and places out of the British Islands, or between places out of the British Islands whether through the British Islands or not, the Treasury may, by warrant, make such regulations as may seem to them necessary for carrying the arrangement into effect, and may make provisions as to the charges for the transit of postal packets, single or in bulk, and the scale of weights to be adopted, and the accounting for and paying over to any foreign state of any money received by the Postmaster-General.

Postage on petitions and addresses to His Majesty or to Parliament, and on votes and parliamentary proceedings.

5.—(1) Petitions and addresses forwarded to His Majesty by post shall be exempt from postage.

(2) Members of each House of Parliament may receive by post petitions and addresses to His Majesty, and petitions addressed to either House of Parliament, not exceeding thirty-two ounces in weight, exempt from postage, provided those

petitions and addresses are sent without covers, or in covers open at the sides.

(3) Where in the British Islands any votes or parliamentary proceedings are sent by post addressed to places in the British Islands and are not prepaid, or are insufficiently prepaid, the postage charged on them shall, subject to any warrant of the Treasury under this Act, be, if they have not been prepaid, the postage which would otherwise be chargeable on them, and, if they have been insufficiently prepaid, the deficiency in the postage.

Exemption of letters of seamen and soldiers.

6.—(1) Any of the privileged persons herein-after mentioned may send and receive letters, not exceeding half an ounce in weight, by post, or by private ships between the British Islands and places beyond the seas, on their own private concerns, at a postage of one penny for each letter when prepaid, subject in the case of letters sent by private ship to the payment of the gratuities payable to the master of the ship.

(2) The enjoyment of the privilege shall be subject to the following provisions :—

(*a*) The postage of any such letters sent by a privileged person (unless sent from parts beyond the sea) must be duly prepaid on the letter being posted :

(*b*) In the case of letters sent by a privileged person the name of the writer and his class or description in the vessel, regiment, corps, or detachment, to which he belongs must appear with the direction on the letter, and the name of the vessel, regiment, corps, or detachment, to which the privileged person belongs, and the signature of the officer commanding it, must be written on the letter by the said officer in his own handwriting :

(*c*) The postage on any such letter to be received by a privileged person (unless sent from parts beyond the sea) must have been duly prepaid on the letter being posted :

(*d*) Any such letter to be received by a privileged person must be directed to that person, and the vessel, regiment, corps, or detachment to which he belongs must be specified in the direction :

(*e*) Any such letter to be received by a privileged person must not be delivered to any person except the privileged person to whom it is addressed, or to some person authorised in writing to receive the letter by the officer in command :

(*f*) Where any such letters are sent or received by privileged persons from parts beyond the seas and the postage of one penny is not prepaid, every such letter shall be charged to the party receiving the letter with the postage of twopence.

(3) A Treasury warrant under this Act with respect to rates of postage shall, if necessary provide for the delivery of letters

of privileged persons on their own private affairs (not exceeding, in the case of privileged persons, other than such commissioned and warrant officers and midshipmen and master's mates as are herein-after mentioned, half an ounce in weight) free from any postage in respect of re-direction.

(4) The privileged persons for the purpose of this section shall be the following persons, whilst actually employed in His Majesty's service whether at home or abroad; namely,—

For all purposes every non-commissioned officer (not being a warrant officer) every band-master, school-master, and soldier in any of His Majesty's regular forces within the meaning of the Army Act, any special reservists within the meaning of Part III. of the Territorial and Reserve Forces Act, 1907, every seaman in His Majesty's navy or Indian marine service, and as regards re-direction every officer commissioned or not in the said regular forces, every commissioned officer in the special reserve of officers, and every non-commissioned officer in any body of special reservists, and every officer, commissioned or not, in the said navy or marine service, and every midshipman and master's mate in His Majesty's navy.

1 Edw. 7. c. 9.

(5) If any commanding officer authorised to write his name and the name of the vessel, regiment, corps, or detachment commanded by him on the letter of a privileged person under this section wilfully writes his name upon a letter that is not from and on the private concerns only of a privileged person, he shall for each offence be liable on summary conviction to a fine not exceeding five pounds.

(6) If any person—

(*a*) not having at the time the command of any vessel, regiment, corps, or detachment, to which a privileged person belongs, writes his name upon a letter in order that it may be sent at a lower rate of postage than by law established; or

(*b*) procures a privileged person to obtain the signature of his commanding officer upon a letter which is not from that privileged person and upon his private concerns only, in order to avoid the payment of the postage by law established; or

(*c*) wilfully addresses a letter to a privileged person which is intended for another person or concerns the affairs of another person with intent to evade the payment of the postage by law established;

he shall for each offence be liable on summary conviction to a fine not exceeding five pounds.

(7) If any privileged person obtains the signature of his commanding officer upon a letter which is not from that person and upon his private concerns only in order to avoid the payment of the postage by law established, he shall for each offence be liable on summary conviction to a fine not exceeding five pounds.

Recovery of postage.

7.—(1) All postage and other sums payable under this Act in respect of postal packets may be recovered in like manner as any duties granted to His Majesty by any Act relating to His Majesty's revenue are recoverable by law, and in the Channel Islands and Isle of Man as a debt due to the Crown.

(2) Where any sum not exceeding twenty pounds is due from any person for postage or in respect of postal packets, that sum may be recovered in the United Kingdom summarily as a civil debt.

(3) Where any sum not exceeding fifty pounds is due from any person for postage or in respect of postal packets, it may be recovered in Ireland, without prejudice to any other mode of recovery, in the civil bill court.

Post Office mark evidence of refusal, &c.

8. In any proceeding for the recovery of postage or other sums in respect of postal packets—

(1) the production of any postal packet in respect of which any such postage or sum is sought to be recovered, having thereupon a Post Office stamp denoting that the packet has been refused or rejected, or that the addressee was dead or could not be found, shall be primâ facie evidence of the fact denoted; and

(2) the person from whom any postal packet in respect of which any such postage or sum is sought to be recovered purports to have come shall, until the contrary is proved, be deemed to be the sender of the packet.

Official mark to be evidence of amount of postage.

9. The official mark of any sum on any postal packet as due to the Post Office, British, colonial, or foreign, in respect of that packet, shall in every British court, whether within or without the United Kingdom, be received as evidence of the liability of the packet to the sum so marked, and the sum shall be recoverable in any such court as postage due to His Majesty.

Provision for stamps.

10. All duties of postage and other sums in respect of postal packets payable in pursuance of this Act, or any warrant or regulations made under this Act, shall be chargeable as stamp duties, and all enactments relating to stamp duties shall apply accordingly.

Stamping paper for envelopes, &c. provided by private persons.

11. The Commissioners of Inland Revenue may, under regulations made or sanctioned by the Treasury, stamp any paper sent to them for the purpose of being stamped as covers or envelopes of letters or packets with stamps denoting the several rates of postage on payment of the amount of the stamps required to be impressed on the paper, and (unless the amount exceeds ten pounds) upon payment of such fee in addition as the Treasury may direct.

CONDITIONS OF TRANSIT OF POSTAL PACKETS.

Regulations as to postal packets.

12. All postal packets shall be posted, forwarded, conveyed, and delivered subject to such provisions, conditions, prohibitions, and restrictions respecting the time and mode of posting and delivery, and of the payment of postage and other sums in

respect thereof chargeable under this Act or any warrant or regulations made under this Act, and respecting the registration of, and giving receipts for, and giving and obtaining certificates of posting and delivery of, any postal packet, and the sums to be paid in addition to any other postage for that registration, receipt, or certificate, and respecting stamps, covers, form, dimensions, maximum weight, inclosures, the use of packets (other than letters) for making communications, and otherwise, as may be directed by Post Office regulations.

Liability for loss of postal packets.

13. The registration of or giving a receipt for a postal packet, or the giving or obtaining of a certificate of posting or delivery of a postal packet, shall not render the Postmaster-General or the Post Office revenue in any manner liable for the loss of the packet or the contents thereof.

Power to authorise collection and delivery of letters otherwise than by post.

14. The Postmaster-General, with the consent of the Treasury, may, either generally or in the case of any particular person, authorise—

(*a*) letters or other postal packets to be sent, conveyed, and delivered otherwise than by post; and

(*b*) the collection otherwise than by an officer of the Post Office of any letters or other postal packets, whether to be so sent or to be sent by post,

but the authority shall be subject in every case to such provisions, conditions, prohibitions, and restrictions as are specified in Post Office regulations.

Despatch and delivery of book packets, &c.

15. Where the despatch or delivery from a post office of letters would be delayed by the despatch or delivery therefrom at the same time of book packets, pattern or sample packets, and post cards, or any of them, those packets, or cards, or any of them, may, subject and according to Post Office regulations, be detained in the post office until the despatch or delivery next following that by which they would ordinarily be despatched or delivered.

Regulations for preventing sending by pos indecent articles, &c.

16. Post Office regulations may be made for preventing the sending or delivery by post of indecent or obscene prints, paintings, photographs, lithographs, engravings, books, or cards, or of other indecent or obscene articles, or of letters, newspapers, supplements, publications, packets, or post cards having thereon, or on the covers thereof, any words, marks, or designs of an indecent, obscene, libellous, or grossly offensive character.

Dealing with postal packets not sent in conformity with Act.

17. If any postal packet is posted or sent by post in contravention of this Act, or of any warrant or regulations made thereunder, the transmission thereof may be refused, and the packet may, if necessary, be detained and opened in the Post Office, and shall be either returned to the sender thereof, or forwarded to its destination, in either case charged with such additional postage at a rate not exceeding the letter rate of postage, or without any additional charge, as Post Office regulations may direct.

Postal packets with contraband goods.

18. The Postmaster-General may detain any postal packet suspected to contain any contraband goods, and forward the packet to the Commissioners of His Majesty's Customs, and those Commissioners, in the presence of the person to whom the packet is addressed, or if, after notice in writing from them requiring his attendance, left at or forwarded by post to the address on the packet, he fails to attend, then in his absence, may open and examine the packet, and, if they find any contraband goods, may detain the packet and its contents for the purpose of prosecution; and, if they find no contraband goods, shall either deliver the packet to the person to whom it is addressed, upon his paying the postage, if any, chargeable thereon, or, if he is absent, shall forward the packet to him by post.

Decision as to postal packets.

19. If any question arises whether any postal packet is a letter or any other description of postal packet within the meaning of this Act, or any warrant or regulations made under this Act, the decision thereon of the Postmaster-General shall be final, save that the Treasury may, if they think fit, on the application of any person interested, reverse or modify the decision, and order accordingly.

NEWSPAPERS.

Publications which may be registered as newspapers.

20.—(1) For the purpose of the registration of newspapers under this Act, any publication consisting wholly or in great part of political or other news, or of articles relating thereto, or to other current topics, with or without advertisements, shall be deemed a newspaper; subject to these conditions—

(*a*) that it be printed and published in the British Islands;

(*b*) that it be published in numbers at intervals of not more than seven days;

(*c*) that it have the full title and date of publication printed at the top of the first page, and the whole or part of the title and the date of publication printed at the top of every subsequent page.

(2) For the same purpose, the following shall be deemed a supplement to a newspaper, (that is to say) a publication consisting wholly or in great part of matter like that of a newspaper, or of advertisements, printed on a sheet or sheets or a piece or pieces of paper, or consisting wholly or in part of engravings, prints, or lithographs illustrative of articles in the newspaper; the publication in every case being published with the newspaper, and having the whole or part of the title of the newspaper printed at the top of every page, or at the top of every sheet or side on which any such engraving, print, or lithograph appears.

Provided that—

(*a*) Post Office regulations may modify the foregoing provisions so far as they apply to a supplement which consists wholly of engravings, prints, or lithographs illustrative of articles in the newspaper; and

(*b*) All sheets of a supplement shall be put together in some one part of the newspaper, whether gummed or stitched up with the newspaper or not.

(3) Although newspapers may be sent by post, it shall not be compulsory to send them by post.

Registration of newspapers at Post Office.

21.—(1) The proprietor or printer of any newspaper within the description aforesaid, and the proprietor or printer of any publication which, regard being had to the proportion of advertisements to other matter therein, is not within the description aforesaid, but which was stamped as a newspaper before the fifteenth day of June one thousand eight hundred and fifty-five, may register it at the General Post Office in London, at such time in each year and in such form and with such particulars as the Postmaster-General directs, paying on each registration such fee not exceeding five shillings as Post Office regulations direct.

(2) The Postmaster-General may from time to time revise the register and remove therefrom any publication not being a newspaper.

(3) The decision of the Postmaster-General on the admission to or removal from the register of a publication shall be final, save that the Treasury may, if they think fit, on the application of any person interested, reverse or modify the decision, and order accordingly.

(4) Any publication for the time being on the register shall for the purposes of this Act be deemed a registered newspaper.

Newspapers under arrangement or convention.

22. A registered newspaper shall be deemed a newspaper for the purposes of any arrangement or convention between His Majesty's Government and the government of any British possession or foreign state for securing advantages for newspapers sent by post.

MONEY ORDERS.

Money orders.

23.—(1) So long as the Treasury think fit, the Postmaster-General may provide for the remission of small sums of money through the Post Office by means of money orders, and may demand and receive for the use of His Majesty in respect of those money orders such rates of poundage as may be fixed by Post Office regulations, and all poundage so received shall be deemed to be part of the Post Office revenue.

(2) Post Office regulations may make provisions with respect to money orders, and to the payment thereof, and to the persons by or to whom they are to be paid, and the times at which and the mode in which they are to be paid.

(3) Subject to the said regulations the Postmaster-General may repay the amount of any money order to the person to whom the order is issued, or his executors or administrators, whether the order remains in the possession of that person or not, and upon that repayment all liability on the part of the Postmaster-General, or any officer of the Post Office, or the Post

Office revenue, or the Consolidated Fund, in respect of the money order shall, as against the payee of the money order, and the holder thereof, and every other person whomsoever, absolutely cease.

(4) No action or other legal proceeding shall be instituted against the Postmaster-General or any officer of the Post Office, or any person whomsoever, in respect of any compliance with the said regulations, or otherwise in relation thereto, or in respect of the payment of any such money orders being refused or delayed by or on account of any accidental neglect, omission, or mistake, by or on the part of any officer of the Post Office, or for any other cause whatsoever, without fraud or wilful misbehaviour on the part of any such officer of the Post Office.

Special provisions as to postal orders.

24.—(1) The Postmaster-General, with the consent of the Treasury, may authorise his officers or any of them to issue money orders in a special form to be prescribed from time to time by the regulations made under the preceding section, and those money orders (in this Act referred to as postal orders) shall be paid in the manner and subject to the conditions prescribed by the said regulations.

Provided that—

(*a*) A postal order shall be for one of the amounts prescribed by the regulations not exceeding twenty-one shillings, and the poundage shall not exceed twopence:

(*b*) A postal order shall not be issued until the amount of the order and the poundage have been paid to the officer issuing the order:

(*c*) After the expiration of three months from the last day of the month in which a postal order is issued by the Post Office, the order shall be payable only on payment in manner prescribed by the regulations of a commission equal to the amount of the original poundage.

(2) No interest shall be payable in respect of any postal order.

(3) If the regulations so provide, the Postmaster-General may authorise any person holding office under the Crown to issue postal orders, and a person so authorised shall, for the purpose of the issue and payment of postal orders, be deemed to be an officer of the Postmaster-General and of the Post Office within the meaning of this Act.

Liability of bankers in respect of postal orders.

25. Any banker or corporation or company acting as bankers in the British Islands who, in collecting in that capacity for any principal, shall have received payment or been allowed by the Postmaster-General in account in respect of any postal order, or of any document purporting to be a postal order, shall not incur liability to anyone except that principal by reason of having received the payment or allowance, or having held or presented the order or document for payment; but this section

shall not relieve any principal for whom any such order or document has been so held or presented of any liability in respect of his possession of the order or document or of the proceeds thereof.

SHIP LETTERS.

Duties of masters of outward-bound vessels as respects mail bags.

26.—(1) Every master of a vessel outward bound shall receive on board his vessel every mail bag tendered to him by an officer of the Post Office for conveyance, and having received it shall deliver it, on arriving at the port or place of his destination, without delay.

(2) If he fails to comply with this section he shall forfeit two hundred pounds.

Duties of masters of inward-bound vessels as respects postal packets.

27.—(1) Every master of a vessel inward bound shall collect all postal packets on board his vessel being within the exclusive privilege of the Postmaster-General, and not being letters by his Act defined as shipowners' letters, and inclose them in some bag or other covering, sealed with his seal and addressed to the Postmaster-General, and without delay deliver those packets to the proper officer of the Post Office demanding them, or, if no demand is made by that officer, then at the Post Office with which he can first communicate.

(2) The master of every such vessel shall, at the port where the vessel reports, sign, in the presence of the proper officer of the Post Office or other person authorised by the Postmaster-General, a declaration of compliance with this Act (which may be in the form contained in the First Schedule to this Act), and shall not break bulk or make entry of any part of her cargo in any port until he has complied with this section. The declaration shall also be signed by the person in whose presence it is made.

(3) If the master of a vessel does not duly deliver any postal packets in accordance with this section, he shall forfeit two hundred pounds.

(4) If the master of a vessel refuses or wilfully neglects to make the declaration required by this section, he shall forfeit fifty pounds.

(5) If the master of a vessel breaks bulk or makes entry before the postal packets on board his vessel have been delivered in accordance with this section, he shall be liable on summary conviction to a fine not exceeding twenty pounds.

Penalty for master of vessel opening mail bag.

28.—(1) If a master of a vessel—

(*a*) opens a sealed mail bag with which he is entrusted for conveyance; or

(*b*) takes out of a mail bag with which he is entrusted for conveyance any postal packet or other thing,

he shall forfeit two hundred pounds.

(2) If any person to whom postal packets have been entrusted by the master of a vessel to bring on shore breaks the seal, or in any manner wilfully opens them, he shall on summary conviction be liable to a fine not exceeding twenty pounds.

Duties of officers of custom as to delivery of letters by masters of vessels

29.—(1) An officer of customs shall not allow any inward-bound vessel to report until the declaration required by this Act with respect to postal packets has been made and produced to him, and may refuse to permit bulk to be broken on board such a vessel or entry to be made of any part of her cargo until the postal packets on board the vessel have been delivered as required by this Act, and may search every such vessel for postal packets which may be on board contrary to this Act, and may seize the same and forward them to the nearest post office.

(2) If any officer of customs permits any vessel to report before the requisites of this Act have been complied with, he shall forfeit fifty pounds.

Shipowners letters.

30.—(1) The following letters (in this Act referred to as shipowners' letters), that is to say, letters of the owners, charterers, or consignees of vessels inward bound, and of the owners, consignees, or shippers of goods on board those vessels, when not exceeding the weights and when complying with the conditions herein-after mentioned, shall—

(*a*) if required to be delivered at the port of the vessel's arrival, be delivered to the owners, charterers, consignees, or shippers by the master free of inland postage, and the persons to whom they are to be delivered shall be entitled to the delivery thereof before the delivery of the other letters to the Post Office; and

(*b*) if delivered elsewhere in the British Islands, be delivered by post on payment of inland postage only,

but subject in either case to the previous payment to the Post Office of the gratuities payable under this Act to masters of vessels bringing the letters.

(2) Provided that—

(*a*) The letters brought by any one vessel to any one such person shall not collectively exceed six ounces in weight (except in the case of letters brought by vessels coming from Ceylon, the Mauritius, India, or the Cape of Good Hope, into any port of the British Islands for an owner, charterer, or consignee of such a vessel, in which case they may be collectively twenty ounces in weight); and

(*b*) The owner, charterer, or consignee shall be described as such on the address and superscription; and

(*c*) In the case of owners, shippers, or consignees of goods, it shall also appear by the ship's manifest that they have goods on board the vessel.

(3) If any shipowners' letters are found by an officer of customs to be in excess of the weights herein-before limited by this section, that officer shall seize so many of the letters as will reduce the remainder within the said weights, and shall take them to the nearest post office.

(4) If any person with intent to evade any postage falsely superscribes a letter as being the owner or charterer or consignee of the vessel conveying the letter, or as the owner or the shipper or the consignee of goods shipped on the vessel, he shall for each offence be liable on summary conviction to a fine not exceeding ten pounds.

Gratuities to masters of vessels.

31. Post Office regulations may provide for the allowance to masters of vessels in respect of postal packets, or any description thereof, conveyed by them on behalf of the Post Office, and also to pilots, seamen, and others in respect of postal packets, or any description thereof, brought by them to any post office from any vessels, of such gratuities under such conditions and restrictions as the Postmaster-General may, from time to time, think fit.

Retention of ship letters after delivery of letters to Post Office.

32. If any person, being either the master or one of the officers or crew of a vessel inward bound, or a passenger thereof, knowingly has in his baggage or in his possession or custody any postal packet, except a postal packet not within the privilege of the Postmaster-General, after the master has sent any part of the postal packets on board his vessel to the Post Office, he shall for every such packet be liable on summary conviction to a fine not exceeding five pounds; and, if he detains any such packet after demand made, either by an officer of customs or by any person authorised by the Postmaster-General to demand the postal packets on board the vessel, he shall for every postal packet be liable on summary conviction to a fine not exceeding ten pounds.

POSTMASTER-GENERAL AND OFFICERS.

Appointment of Postmaster-General.

33.—(1) Any person from time to time appointed by His Majesty by letters patent shall be the master of the Post Office by the style of His Majesty's Postmaster-General.

(2) Upon and by virtue of the appointment of any person to be His Majesty's Postmaster-General the benefit of all contracts, bonds, securities, and things in action, vested in his predecessor at the time of the predecessor ceasing to hold office, shall be transferred to and vested in, and enure for the benefit of, the person so appointed, in the same manner as if he had been contracted with instead of his predecessor, and as if his name had been inserted in all such contracts, bonds, and securities instead of the name of his predecessor.

General powers and rights of Postmaster-General.

34.—(1) The Postmaster-General may establish posts and post offices as he thinks expedient, and may collect, receive, forward, convey, and deliver in such manner as he thinks expedient, all postal packets transmitted within or to or from the British Islands or any British possession, subject nevertheless to the provisions contained in this Act.

(2) Subject to the provisions contained in this Act with respect to British possessions, the Postmaster-General shall, wheresoever within His Majesty's dominions posts or post

communications are for the time being established, have the exclusive privilege of conveying from one place to another all letters, except in the following cases, and shall also have the exclusive privilege of performing all the incidental services of receiving, collecting, sending, despatching, and delivering all letters, except in the following cases (that is to say) :—

(*a*) Letters sent by a private friend in his way, journey, or travel, so as those letters be delivered by that friend to the person to whom they are directed :

(*b*) Letters sent by a messenger on purpose, concerning the private affairs of the sender or receiver thereof :

(*c*) Commissions or returns thereof, and affidavits and writs, process or proceedings, or returns thereof, issuing out of a court of justice :

(*d*) Letters sent out of the British Islands by a private vessel (not being a vessel carrying postal packets under contract) :

(*e*) Letters of merchants, owners of vessels of merchandise, or the cargo or loading therein, sent by those vessels of merchandise or by any person employed by those owners for the carriage of those letters, according to their respective directions, and delivered to the respective persons to whom they are directed, without paying or receiving hire or reward, advantage, or profit for the same in anywise :

(*f*) Letters concerning goods or merchandise sent by common known carriers, to be delivered with the goods which those letters concern, without hire or reward or other profit or advantage for receiving or delivering those letters :

But nothing herein contained shall authorise any person to make a collection of those excepted letters for the purpose of sending them in the manner hereby authorised.

(3) Subject as aforesaid, the following persons are expressly forbidden to carry a letter, or to receive or collect or deliver a letter, although they do not receive hire or reward for it (that is to say) :—

(i) Common known carriers, their servants or agents, except a letter concerning goods in their carts or waggons or on their pack horses, and owners, drivers, or guards of stage coaches :

(ii) Owners, masters, or commanders of ships, vessels, or steam boats, sailing or passing coastwise or otherwise between ports or places within the British Islands, or between, to, or from any ports within His Majesty's dominions out of the British Islands, or their servants or agents, except in respect of letters of merchants, owners of ships, or goods on board :

(iii) Passengers or other persons on board any such ship, vessel, or steam boat :

(iv) The owners of, or sailors, watermen, or others on board, a ship, vessel, steam boat, or other boat or barge passing or repassing on a river or navigable canal within His Majesty's dominions.

(4) If any person not authorised by or in pursuance of this Act does any of the following things, namely, sends or causes to be sent, or tenders or delivers in order to be sent, or conveys, or performs any service incidental to conveying, otherwise than by post, any letter not excepted from the exclusive privilege of the Postmaster-General, or makes a collection of those excepted letters for the purpose of conveying or sending them either by post or otherwise, he shall be liable on summary conviction to a fine not exceeding five pounds for every letter.

(5) If any person is in the practice of doing any of the said things, he shall forfeit for every week during which the practice is continued one hundred pounds.

(6) The expression "post" shall in this section include all post communications by land or by water (except by outward-bound vessels not being employed by or under the Post Office or the Admiralty to carry postal packets); and the above fines and forfeitures shall be incurred whether the letter is sent singly or with anything else, or the incidental service is performed in respect to a letter either sent or to be sent singly or together with some other letter or thing; and in any proceeding for the recovery of any such fine and forfeiture it shall lie upon the person proceeded against to prove that the act in respect of which the fine or forfeiture is alleged to have been incurred was done in conformity with this Act.

(7) For the purposes of this section the expression "letter" shall include packet.

Execution of instruments of Postmaster-General.

35.—(1) Any instrument requiring to be executed by the Postmaster-General, or to which he is a party, may be executed by any of the secretaries of the Post Office in the name of the Postmaster-General, and, if so executed, shall be deemed to have been executed by the Postmaster-General, and shall have effect accordingly.

(2) Any instrument purporting to be so executed shall, until the contrary is proved, be deemed to have been duly executed without proof of the official character of the person appearing to have executed it.

Proof of Post Office regulations.

36. The Documentary Evidence Act, 1868, as extended by the Documentary Evidence Act, 1882, shall have effect—

(*a*) as if the Postmaster-General were mentioned in the first column, and any secretary or assistant secretary of the Post Office were mentioned in the second column, of the schedule to the former Act; and

(*b*) as if a warrant of the Treasury under this Act were mentioned in the second section of the former Act as well as an order.

Power of deputy of Postmaster-General to give notice or make claim, distress, &c.

37. Any person having authority in that behalf, either general or special, under the seal of the Postmaster-General, may, on behalf of the Postmaster-General, give any notice or make any claim, demand, entry, or distress, which the Postmaster-General in his corporate capacity or otherwise might give or make, and every such notice, claim, demand, entry, and distress, shall be deemed to have been given and made by the Postmaster-General on behalf of His Majesty.

Exemption of Postmaster-General from stamp duty.

38. Every deed, instrument, money order, bill, cheque, receipt, or other document, made or executed for the purpose of the Post Office by, to, or with, His Majesty or any officer of the Post Office, shall be exempt from any stamp duty imposed by any Act, past or future, except where that duty is declared by the document, or by some memorandum endorsed thereon, to be payable by some person other than the Postmaster-General, and except so far as any future Act specifically charges the duty.

Alienation of Post Office duties by Crown.

39. And to the intent that the inheritance of such part of the hereditary revenue of the Crown arising in and by the General Post Office which is vested in His Majesty may be preserved in the Crown for the future benefit thereof, be it enacted and declared that the same or any part thereof shall not hereafter be alienable, chargeable, or grantable, by His Majesty, his heirs or successors, for any estate, term, or time whatsoever to endure longer than the life of His Majesty, or of such king or queen as shall make the alienation, charge, or grant, and that all gifts, grants, alienations, and assurances whatsoever to be had or made of, and charges upon, the said duties or revenue, or any part thereof, contrary to the provisions of this Act, shall be null and void without any inquisition, scire facias, or other proceeding to determine or make void the same.

Post Office expenses. 45 & 46 Vict. c. 74.

40. Without prejudice to the provisions of the Post Office (Parcels) Act, 1882, all expenses incurred by the Postmaster-General in the execution of this Act or otherwise in the management of the Post Office shall continue to be paid out of moneys provided by Parliament.

Post Office accounts.

41. The Postmaster-General shall cause such accounts to be kept of the Post Office revenue and expenses by such officers and under such regulations as the Treasury direct.

Power to appoint officers.

42. The Postmaster-General may appoint such officers, deputies, agents, and servants as seem to him necessary, and any act authorised or required to be done by, to, or before the Postmaster-General may, subject to any special directions of the Postmaster-General, be done by, to, or before any officer, deputy, servant, and agent so appointed.

Exemption of officers of Post Office from certain offices.

43. Notwithstanding anything in any other Act, neither the Postmaster-General nor any officer of the Post Office shall be compelled to serve as a mayor or sheriff, or in any ecclesiastical

or corporate or parochial or other public office or employment, or on any jury or inquest, or in the militia.

Surrender of clothing by officer of Post Office on ceasing to be officer.

44.—(1) Where an officer of the Post Office vacates his office (whether by reason of dismissal, resignation, death, or otherwise) he, or if he is dead his personal representative, or the person acting as his personal representative, shall deliver to the Postmaster-General all articles (whether uniform, accoutrements, appointments, or other necessaries) which have been issued to the officer vacating his office for the execution of his duty, and are not the property of that officer, and shall deliver the articles in good order and condition, fair wear and tear only excepted.

(2) If any person fails to comply with the provisions of this section, he shall on summary conviction be liable to a fine not exceeding forty shillings, and also to pay such further sum not exceeding forty shillings as the court may determine to be the value of the articles not delivered, or, if the articles have been delivered but not in good order and condition, of the damage done to the articles.

(3) Any justice of the peace may issue a warrant by virtue of which a constable may search for and seize any articles not delivered as required by this section, in like manner as if they were stolen goods and the warrant were a warrant to search for stolen goods.

LAND.

Holding of lands by Postmaster-General.

45.—(1) For the purpose of acquiring and holding land the Postmaster-General for the time being shall continue to be a corporation sole by the name of His Majesty's Postmaster-General, and by that name shall have perpetual succession and an official seal.

(2) All land vested in the Postmaster-General shall be held in trust for His Majesty for the purpose of the Post Office.

Power of Postmaster-General for purchase of land.

46.—(1) The Postmaster-General, with the consent of the Treasury, may purchase land for the purpose of the Post Office.

(2) With respect to any such purchase of land in the United Kingdom the following provisions shall have effect (that is to say):—

(*a*) The Lands Clauses Acts shall be incorporated with this Act, except the provisions relating to access to the special Act, and in construing those Acts for the purposes of this section "the special Act" shall be construed to mean this Act, and "the promoters of the undertaking" shall be construed to mean the Postmaster-General, and "land" shall be construed to have the meaning given to it by this Act:

8 & 9 Vict. c. 18.

8 & 9 Vict. c. 19.

(*b*) The bond required by section eighty-five of the Lands Clauses Consolidation Act, 1845, and by section eighty-four of the Lands Clauses Consolidation (Scotland) Act, 1845, shall be under the seal of the Postmaster-General, and shall be sufficient without sureties:

(*c*) The provisions of the incorporated Acts with respect to the purchase of land compulsorily shall not be put in force until the sanction of Parliament has been obtained in manner in this Act mentioned:

(*d*) Three months at the least before an application is made to Parliament for sanction to the compulsory purchase of land under this Act, the Postmaster-General, with the consent of the Treasury, shall serve a notice on every owner or reputed owner, lessee or reputed lessee, and occupier of any land intended to be so purchased, describing the land intended to be taken, and in general terms the purposes to which it is to be applied, and stating the intention of the Treasury to obtain the sanction of Parliament to the purchase thereof, and inquiring whether the person so served assents or dissents to the taking of his land, and requesting him to forward to the Treasury any objections he may have to his land being taken:

(*e*) The Treasury shall, at some time after the service of the notice, make a local inquiry by a competent officer into the objections made by any persons whose land is required to be taken, and by other persons, if any, interested in the subject matter of the inquiry:

(*f*) The Treasury, if satisfied after the inquiry has been made that the land ought to be taken, may submit a Bill to Parliament containing provisions authorising the Postmaster-General to take the land, and any such Bill shall be deemed to be a Public Bill, and, if passed into an Act, to have conveyed the sanction of Parliament to the purchase compulsorily of the land therein mentioned or referred to, and the period for the compulsory purchase shall be three years after the passing of the Act: Provided that, if while the Bill is pending in either House of Parliament a petition is presented against anything comprised therein, the Bill may be referred to a Select Committee and the petitioner shall be allowed to appear and oppose as in the case of Private Bills.

(3) The Chancellor and Council of the Duchy of Lancaster may, if they think fit, agree with the Postmaster-General for the sale of, and absolutely make sale of, for such sum of money as to the said Chancellor and Council appear sufficient consideration for the same, any land belonging to His Majesty in right of the said duchy, which, for the purpose of the Post Office, the Postmaster-General may deem it expedient, with the consent of the Treasury, to purchase, and the land may be assured to the Postmaster-General, and the money shall be paid and dealt with as if the land had been sold under the authority of the Duchy of Lancaster Lands Act, 1855. 18 & 19 Vict. c. 58.

(4) For the purposes of this section and the section of this Act the marginal note whereof is "Holding of lands by Post-

master-General" the expression "land" shall include any right or easement in, over, or in respect of land.

Power of Postmaster-General to sell or exchange lands.

47.—(1) The Postmaster-General may, with the consent of the Treasury, sell, exchange, lease, or surrender on any terms, any land for the time being vested in him, and on any such exchange may give or receive any money for equality of exchange; and may sell either by public auction or by private contract, and may make any stipulations, as to title or otherwise, in any conditions of sale or contract for sale or exchange, and may buy in at any auction, and may rescind or vary any contract for sale or exchange, and may re-sell or re-exchange any such land.

(2) On any sale, exchange, lease, or surrender, the Postmaster-General may stipulate for, create, or reserve all such rights or easements as may be deemed proper.

(3) A person dealing with the Postmaster-General in respect of land or rights in or over land, whether as vendor, lessor, purchaser, lessee, or otherwise, shall not be bound or entitled to inquire whether the consent of the Treasury has been given to that dealing, or whether the dealing is in fact authorised by any Act relating to the Post Office.

EXTENSION OF POSTAL FACILITIES AND ACCOMMODATION.

Indemnity on account of extending post office accommodations.

48. The Postmaster-General may contract with, or take security from, any person applying to him to establish any post or telegraph office or to extend the accommodations of the postal or telegraphic service to any place, for indemnifying the Postmaster-General against any loss he may sustain thereby, and the indemnity may be either for the whole or any part of the loss sustained, and for such time as the Postmaster-General may think necessary.

Power for local authority to contribute towards new post office, or undertake to pay loss on extra postal facilities.

49.—(1) Where the council of any borough or any urban district consider that it would be beneficial to the inhabitants of the borough or district that any new post office should be on a more expensive site, or of a larger size, or of a more ornate building, or otherwise of a more expensive character than the Postmaster-General would otherwise provide, the council may contribute towards the new post office, either by a grant of money, or, with the consent of the Local Government Board, by the appropriation of land belonging to the council, or by the purchase of land for the purpose.

(2) Where the council of any borough or any urban district consider that it would be beneficial to the inhabitants of the borough or district that any post or telegraph office should be established or any additional facilities (postal or other) provided by the Postmaster-General in or for the purposes of the borough or district, the council may undertake to pay to the Postmaster-General any loss he may sustain by reason of the establishment or maintenance of the office or the provision of the facilities.

(3) Where the council of any rural district, or the parish council of a parish, or in the case of a parish not having a parish council the parish meeting, consider that it would be for the benefit, in the case of a rural district council, of any contributory place or places within their district, and in the case of a parish council or parish meeting of their parish, that any post or telegraph office should be established or any additional postal or other facilities provided by the Postmaster-General whether within or without the area to be benefited, that council or meeting may undertake to pay to the Postmaster-General any loss he may sustain by reason of the establishment or maintenance of the office, or the provision of the facilities:

Provided that a rural district council shall not exercise their powers under this provision as respects any office established or facilities provided outside the contributory place proposed to be charged unless the parish council, or if there is no parish council the parish meeting, of any parish wholly or partly situated in the contributory place consent to the exercise of the powers.

(4) Any expenses incurred by the council of a borough under this section may be paid out of the borough fund or borough rate, and any expenses incurred by the council of an urban district (not a borough) may be paid out of the rate out of which the general expenses of the council under the Public Health Act, 1875, are defrayed. 38 & 39 Vict. c. 55.

(5) Any expenses incurred by a rural district council in pursuance of an undertaking under this section may be defrayed as special expenses legally incurred in respect of the contributory place or places, and shall be apportioned between those places if more than one, and sections two hundred and twenty-nine, two hundred and thirty, and two hundred and thirty-one of the Public Health Act, 1875, shall apply accordingly. 38 & 39 Vict. c. 55.

(6) Any expenses incurred by a parish council or meeting in pursuance of an undertaking under this section shall be defrayed as expenses of that council or meeting, as the case may be, within the provisions of the Local Government Act, 1894. 56 & 57 Vict. c. 23.

(7) The council of a borough may borrow for the purposes of subsection (1) of this section under section one hundred and six of the Municipal Corporations Act, 1882, and any enactment amending the same, and the council of an urban district (not a borough) may borrow for the purposes of the same subsection in like manner as if those purposes were purposes of the Public Health Act, 1875, and the provisions of that Act with respect to borrowing shall apply accordingly. 45 & 46 Vict. c. 50. 38 & 39 Vict. c. 55.

(8) In the application of this section to Scotland the following exceptions and modifications shall have effect:—

(*a*) Subsection (2) shall not apply to Scotland, and the powers under subsection (3) shall be limited to the establishment of offices and the provision of facilities within the place to be benefited:

(*b*) The Local Government Board for Scotland shall be substituted for the Local Government Board:

60 & 61 Vict. c. 38. (*c*) The local Authority under the Public Health (Scotland) Act, 1897, being a town council or burgh commissioners, or board of police, shall be substituted for the council of a borough or other urban authority, and the district of that authority for a borough or urban district:

(*d*) Any expenses incurred under subsection (1) of this section may be paid as expenses under the Public Health (Scotland) Act, 1897, are paid, and money may be borrowed for the purposes of the said subsection in the same manner and subject to the same conditions as money may be borrowed for the erection of hospitals under that Act and any Acts amending the same:

52 & 53 Vict. c. 50. (*e*) The district committee, or where a county has not been divided into districts under the Local Government (Scotland) Act, 1889, the county council, as constituted under subsection (3) of section seventy-eight of the last-mentioned Act as amended by section nineteen (7) of the Local Government (Scotland) Act, 1894, shall be substituted for the council of a rural district, and the district of that committee or the county shall be substituted for the rural district, and a parish for a contributory place:

57 & 58 Vict. c. 58.

(*f*) Any expenses incurred by a district committee or county council by reason of an undertaking under subsection (3) of this section shall be defrayed as part of the general expenses of such district committee or county council, as the case may be, under the Public Health (Scotland) Act, 1897, but the assessment for those expenses shall be levied only within the parish or parishes in respect of which the expenses are incurred:

(*g*) Any expenses incurred by a parish council in pursuance of an undertaking under subsection (3) of this section shall be defrayed as expenses incurred for the purposes of Part IV. of the Local Government (Scotland) Act, 1894:

(9) In the application of this section to Ireland the following exceptions and modifications shall have effect:—

(*a*) The provisions of subsection (3) as to the powers of parish councils and parish meetings shall not apply to Ireland, and the powers under that subsection of a rural district council shall be limited to the establishment of offices and the provision of facilities within the place to be benefited:

(*b*) The Local Government Board for Ireland shall be substituted for the Local Government Board:

41 & 42 Vict. c. 52. (*c*) The Public Health (Ireland) Act, 1878, shall be substituted for the Public Health Act, 1875, and sections two hundred and thirty-two and two hundred and thirty-

three of the Public Health (Ireland) Act, 1878, shall be substituted for sections two hundred and twenty-nine, two hundred and thirty, and two hundred and thirty-one of the Public Health Act, 1875:

(10) This section shall not apply to the Channel Islands.

(11) In the application of this section to the Isle of Man the following exceptions and modifications shall have effect:—

(*a*) None of the foregoing provisions of this section, with the exception of subsection (1), shall apply to the Isle of Man:

(*b*) The Local Government Board of that Isle shall be substituted for the Local Government Board:

(*c*) A local government district shall be substituted for a borough or urban district, and the commissioners or council of a local government district for the council of a borough or urban district:

(*d*) Any expenses incurred under subsection (1) of this section may be paid as expenses of the commissioners out of the district fund, and any money may be borrowed for the purposes of this section in the same manner and subject to the same conditions as if those purposes were purposes of the Local Government Act, 1886, being an Act of the legislature of the said Isle.

Post Office Offences.

Stealing mail bag or postal packet.

50. If any person—

(*a*) steals a mail bag; or

(*b*) steals from a mail bag, or from a post office, or from an officer of the Post Office, or from a mail, any postal packet in course of transmission by post; or

(*c*) steals any chattel or money or valuable security out of a postal packet in course of transmission by post; or

(*d*) stops a mail with intent to rob or search the mail;

he shall be guilty of felony, and on conviction shall be liable, at the discretion of the court, to penal servitude for life or any term not less than three years, or to imprisonment, with or without hard labour, for any term not exceeding two years.

Unlawfully taking away or opening mail bag sent by vessel employed under Post Office.

51. If any person unlawfully takes away or opens a mail bag sent by any vessel employed by or under the Post Office for the transmission of postal packets under contract, or unlawfully takes a postal packet in course of transmission by post out of a mail bag so sent, he shall be guilty of felony, and on conviction shall be liable, at the discretion of the court, to penal servitude for any term not exceeding fourteen years or not less than three years, or to imprisonment, with or without hard labour, for any term not exceeding two years.

Receiver of stolen mail bag or postal packet.

52. If any person receives any mail bag, or any postal packet or any chattel or money or valuable security, the stealing or taking, or embezzling, or secreting whereof amounts to a felony under this Act, knowing the same to have been so feloniously stolen, taken, embezzled, or secreted, and to have been sent, or to have been intended to be sent by post, he shall be guilty of felony, and shall on conviction be liable to the same punishment as if he had stolen, taken, embezzled, or secreted the same, and may be indicted and convicted, whether the principal offender has or has not been previously convicted, or is or is not amenable to justice.

Fraudulent retention of mail bag or postal packet.

53. If any person fraudulently retains, or wilfully secretes or keeps, or detains, or, when required by an officer of the Post Office, neglects or refuses to deliver up—

(*a*) any postal packet which is in course of transmission by post and which ought to have been delivered to any other person; or

(*b*) any postal packet in course of transmission by post or any mail bag which shall have been found by him or by any other person,

he shall be guilty of a misdemeanour, and be liable on conviction on indictment to a fine and to imprisonment with or without hard labour.

Criminal diversion of letters from addressee.

54.—(1) If any person not in the employment of the Postmaster-General wilfully and maliciously, with intent to injure any other person, either opens or causes to be opened any letter which ought to have been delivered to that other person, or does any act or thing whereby the due delivery of the letter to that other person is prevented or impeded, he shall be guilty of a misdemeanour, and be liable to a fine not exceeding fifty pounds, or to imprisonment, with or without hard labour, for any term not exceeding six months.

(2) Nothing in this section shall apply to a person who does any act to which this section applies where he is parent, or in the position of parent or guardian, of the person to whom the letter is addressed.

(3) A prosecution shall not be instituted in pursuance of this section except by the direction or with the consent of the Postmaster-General.

(4) A letter in this section means a postal packet in course of transmission by post and any other letter which has been delivered by post.

Stealing, embezzlement, destruction, &c. by officer of Post Office of postal packet.

55. If any officer of the Post Office steals, or for any purposes whatever embezzles, secretes, or destroys a postal packet in course of transmission by post, he shall be guilty of felony, and shall on conviction be liable, at the discretion of the court, to imprisonment for any term not exceeding two years, with or without hard labour, or to penal servitude for a term not less than three years and not exceeding seven years, or, if the postal packet contains

any chattel or money, or valuable security, to imprisonment for any term not exceeding two years with or without hard labour, or to penal servitude for life or any term not less than three years.

Opening or delaying postal packets.

56.—(1) If any officer of the Post Office, contrary to his duty, opens or procures or suffers to be opened any postal packet in course of transmission by post, or wilfully detains or delays, or procures or suffers to be detained or delayed, any such postal packet, he shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the court, to imprisonment with or without hard labour, or to a fine, or to both such imprisonment and fine.

(2) Provided that nothing in this section shall extend to the opening, detaining, or delaying of a postal packet returned for want of a true direction, or returned by reason that the person to whom the same is directed is dead or cannot be found, or shall have refused the same, or shall have refused or neglected to pay the postage thereof, or to the opening or detaining or delaying of a postal packet under the authority of this Act or in obedience to an express warrant in writing under the hand of a Secretary of State: Provided that the warrant in Scotland may be either under the hand of a Secretary of State or of the Secretary for Scotland, in Ireland shall be under the hand and seal of the Lord Lieutenant, and in the Isle of Man shall be under the hand of the Governor issued with the sanction of a Secretary of State.

Carelessness, negligence, or misconduct of persons employed in carrying or delivering mail bags, postal packets &c.

57. If any person employed to convey or deliver a mail bag, or a postal packet in course of transmission by post—

(*a*) whilst so employed, or, whilst the mail bag or postal packet is in his custody or possession, leaves it, or suffers any person, not being the guard or person employed for that purpose, to ride in the place appointed for the guard in or upon any carriage used for the conveyance of it, or to ride in or upon a carriage so used and not licensed to carry passengers, or upon a horse used for the conveyance on horse-back of it; or

(*b*) is guilty of any act of drunkenness whilst so employed; or

(*c*) is guilty of carelessness, negligence, or other misconduct, whereby the safety of the mail bag or postal packet is endangered; or

(*d*) without authority collects or receives or conveys or delivers a postal packet otherwise than in the ordinary course of post; or

(*e*) gives any false information of an assault or attempt at robbery upon him; or

(*f*) loiters on the road or passage, or wilfully mis-spends his time so as to retard the progress or delay the arrival of a mail bag or postal packet in the course of trans-

mission by post, or does not use due care and diligence safely to convey a mail bag or postal packet at the due rate of speed,

he shall, on summary conviction, be liable to a fine not exceeding twenty pounds.

Issuing money orders with fraudulent intent.

58.—(1) If any officer of the Post Office grants or issues any money order with a fraudulent intent, he shall be guilty of felony, and be liable, at the discretion of the court, to penal servitude for a term not exceeding seven and not less than three years, or to imprisonment, with or without hard labour, for any term not exceeding two years.

(2) If any officer of the Post Office re-issues a money order previously paid, he shall be deemed to have issued the order with a fraudulent intent under this section.

Forgery and stealing of money order. 24 & 25 Vict. c. 98. 24 & 25 Vict. c. 96.

59.—(1) A money order shall be deemed to be an order for the payment of money and a valuable security within the meaning of this Act and of the Forgery Act, 1861, and of the Larceny Act, 1861, and of any other law relating to forgery or stealing which is for the time being in force in any part of the British Islands.

(2) If any person, with intent to defraud, obliterates, adds to, or alters any such lines or words on a money order as would, in the case of a cheque, be a crossing of that cheque, or knowingly offers, utters, or disposes of any money order with such fraudulent obliteration, addition, or alteration, he shall be guilty of felony, and be liable to the like punishment as if the order were a cheque.

Punishment of offences in relation to postal orders, and the poundage thereon.

60. The provisions of law respecting the punishment of offences connected with stamp duties (including the provisions relating to paper and implements used in the manufacture of that paper, and to the punishing of fraud) shall apply in like manner as if any poundage or commission chargeable for a postal order were stamp duty, and as if the paper used for postal orders were paper provided by the Commissioners of Inland Revenue for receiving the impression of a die, and in the Isle of Man and Channel Islands as if those provisions extended to those islands.

Prohibition of placing injurious substances in or against post office letter boxes.

61.—(1) A person shall not place or attempt to place in or against any post office letter box any fire, any match, any light, any explosive substance, any dangerous substance, any filth, any noxious or deleterious substance, or any fluid, and shall not commit a nuisance in or against any post office letter box, and shall not do or attempt to do anything likely to injure the box, appurtenances, or contents.

(2) If any person acts in contravention of this section, he shall be guilty of a misdemeanour, and be liable on summary conviction to a fine not exceeding ten pounds, and on conviction on indictment to imprisonment, with or without hard labour, for a period not exceeding twelve months.

Prohibition of affixing placards, notices, &c. on post office letter box, &c.

62.—(1) A person shall not, without due authority, affix or attempt to affix any placard, advertisement, notice, list, document, board, or thing, in or on, or paint or tar, any post office, post office letter box, telegraph post, or other property belonging to or used by or on behalf of the Postmaster-General, and shall not in any way disfigure any such office, box, post, or property.

(2) If any person acts in contravention of this section, he shall be liable on summary conviction to a fine not exceeding forty shillings.

Prohibition of sending by post explosive, inflammable, or deleterious substances, or indecent prints, words, &c.

63.—(1) A person shall not send or attempt to send a postal packet which either—

(*a*) encloses any explosive substance, any dangerous substance, any filth, any noxious or deleterious substance, any sharp instrument not properly protected, any living creature which is either noxious or likely to injure other postal packets in course of conveyance or an officer of the Post Office, or any article or thing whatsoever which is likely to injure either other postal packets in course of conveyance or an officer of the Post Office; or

(*b*) encloses any indecent or obscene print, painting, photograph, lithograph, engraving, book, or card, or any indecent or obscene article, whether similar to the above or not; or

(*c*) has on the packet, or on the cover thereof, any words, marks, or designs of an indecent, obscene, or grossly offensive character.

(2) If any person acts in contravention of this section, he shall be guilty of a misdemeanour, and shall be liable on summary conviction to a fine not exceeding ten pounds, and on conviction on indictment to imprisonment, with or without hard labour, for a term not exceeding twelve months.

(3) The detention in the Post Office of any postal packet on the ground of its being in contravention of this section shall not exempt the sender thereof from any proceedings which might have been taken if the packet had been delivered in due course of post.

Prohibition of imitation of post office stamps, envelopes, forms, and marks.

64.—(1) A person shall not without due authority—

(*a*) make, issue, or send by post or otherwise any envelope, wrapper, card, form, or paper in imitation of one issued by or under the authority of the Postmaster-General, or of any foreign or colonial postal authority, or having thereon any words, letters, or marks which signify or imply or may reasonably lead the recipient to believe that a postal packet bearing them is sent on His Majesty's service; or

(*b*) make on any envelope, wrapper, card, form, or paper for the purpose of being issued or sent by post or otherwise, or otherwise used, any mark in imitation

of or similar to or purporting to be any stamp or mark of any post office under the Postmaster-General, or under any foreign or colonial postal authority, or any words, letters, or marks which signify or imply, or may reasonably lead the recipient thereof to believe, that a postal packet bearing them is sent on His Majesty's service ; or

(*c*) issue or send by post or otherwise any envelope, wrapper, card, form, or paper so marked.

(2) If any person acts in contravention of this section he shall be liable on summary conviction to a fine not exceeding forty shillings.

Prohibition of fictitious stamps.

65.—(1) A person shall not—

(*a*) make, knowingly utter, deal in, or sell any fictitious stamp, or knowingly use for any postal purpose any fictitious stamp ; or

(*b*) have in his possession, unless he shows a lawful excuse, any fictitious stamp ; or

(*c*) make, or, unless he shows a lawful excuse, have in his possession, any die, plate, instrument, or materials for making any fictitious stamp.

(2) If any person acts in contravention of this section, he shall be liable on summary conviction on a prosecution by order of the Commissioners of Inland Revenue to a fine not exceeding twenty pounds, subject to the like right of appeal as in the case of a penalty under the Acts relating to the Excise.

(3) Any stamp, die, plate, instrument, or materials found in the possession of any person in contravention of this section may be seized and shall be forfeited.

(4) For the purposes of this section "fictitious stamp" means any facsimile or imitation or representation, whether on paper or otherwise, of any stamp for denoting any rate of postage, including any stamp for denoting a rate of postage of any British possession, or of any foreign country.

Prohibition of false notice as to reception of letters.

66.—(1) A person shall not, without authority from the Postmaster-General, place or maintain in or on any house, wall, door, window, box, post, pillar, or other place, belonging to him or under his control, any of the words, letters, or marks following (that is to say)—

(*a*) the words "post office" or "postal telegraph office" ; or

(*b*) the words "letter box," accompanied with words, letters, or marks, which signify or imply or may reasonably lead the public to believe that it is a post office letter box ; or

(*c*) any words, letters, or marks which signify or imply or may reasonably lead the public to believe that any house or place is a post office, or that any box is a post office letter box ;

and every person, when required by a notice given by the Postmaster-General to remove or efface any such words, letters, or marks as aforesaid, or to remove or effectually close up any letter box belonging to him or under his control which has been a post office letter box, shall comply with the request.

(2) If any person acts in contravention of this section, he shall be liable on summary conviction to a fine not exceeding forty shillings, and, if the offence is continued after a previous conviction, to a fine not exceeding five shillings for every day during which the offence so continues.

Obstruction of officers of Post Office.

67.—(1) If any person wilfully obstructs, or incites anyone to obstruct, an officer of the Post Office in the execution of his duty, or whilst in any post office, or within any premises belonging to any post office or used therewith, obstructs the course of business of the Post Office, he shall be liable on summary conviction to a fine not exceeding forty shillings.

(2) Any officer of the Post Office may require any person guilty of any offence under this section, to leave a post office or any such premises as aforesaid, and, if the person so required refuses or fails to comply with the requirement, he shall be liable on summary conviction to a further fine not exceeding five pounds, and may be removed by any officer of the Post Office, and all constables are required on demand to remove or assist in removing every such person.

Provision against obstruction in neighbourhood of General Post Offices in London and Dublin.

68.—(1) A hackney carriage shall not stand or ply for hire opposite the General Post Office in London or the General Post Office in Sackville Street, Dublin, or any part thereof respectively, and, if any driver or person having the management of any hackney carriage, permits the same to stand or ply for hire opposite either of the said Post Offices, he shall be liable on summary conviction to a fine not exceeding five pounds.

(2) For the purposes of this provision, every carriage with two or more wheels, whatever may be its form or construction, or the number of persons which it is calculated to convey, or the number of horses by which it is drawn, shall be a hackney carriage within the meaning of this Act, and in all proceedings at law or otherwise, and upon all occasions whatsoever, it shall be sufficient to describe it by the term hackney carriage.

(3) If any hawker, newsvendor, or idle or disorderly person stops or loiters on the flagway or pavement opposite the General Post Office in London or in Sackville Street, Dublin, or any part thereof respectively, he shall be liable on summary conviction to a fine not exceeding five pounds.

Endeavouring to procure the commission of any felony or misdemeanour.

69. If any person solicits or endeavours to procure any other person to commit an offence punishable on indictment under this Act, he shall be guilty of a misdemeanour, and shall on conviction be liable at the discretion of the court to imprisonment, with or without hard labour, for any term not exceeding two years.

LEGAL PROCEEDINGS.

Recovery of fines and forfeitures.

70.—(1) A fine or forfeiture imposed by this Act, whether declared to be recoverable on summary conviction or not, may be recovered with costs by any person who sues for the same in the High Court or the Court of Session, and that person may sue for the maximum amount of the fine or forfeiture, but shall be entitled to recover only such sum as may be awarded by the court.

(2) A proceeding in the High Court or Court of Session for the recovery of any fine or forfeiture incurred by any person under this Act shall be commenced within one year next after the fine or forfeiture was incurred.

(3) Any fine or forfeiture incurred under this Act may be recovered in any place outside the United Kingdom before any court or magistrate before whom like fines or forfeitures are ordinarily recovered, or in such other manner as may be determined by any Act or ordinance having the force of law in that place.

Summary proceedings.

71.—(1) All offences under this Act which are punishable on summary conviction may be prosecuted, and all fines or forfeitures under this Act which are recoverable on summary conviction may be recovered, as follows (that is to say):—

(*a*) In the United Kingdom in manner provided by the Summary Jurisdiction Acts; and

(*b*) In the Isle of Man before a high bailiff or two justices of the peace at the instance of an officer of the Post Office or of a constable in accordance with the law for the time being in force for regulating the exercise of summary jurisdiction by such bailiffs or justices; and

(*c*) Elsewhere before the court and in the manner provided by law, and, if no provision is otherwise made by law, then at the instance of any officer of the Post Office before the court, and in the manner, before and in which the like offences and fines can be prosecuted and recovered.

(2) If any person convicted on summary conviction is aggrieved by the conviction, he may appeal against the conviction, in England to a court of quarter sessions in accordance with the provisions of the Summary Jurisdiction Acts, and in Scotland and Ireland in manner provided by those Acts.

(3) If any person aids, abets, counsels, or procures the commission of any offence which is by this Act punishable on summary conviction, he shall, on summary conviction within the Dublin metropolitan police district, be liable to the same forfeiture and punishment as the principal offender.

(4) Where any sum is, under this Act, recoverable summarily as a civil debt, that sum shall be recovered in manner provided by the Summary Jurisdiction Acts, and any order for

the recovery of such a sum may be enforced in Ireland in like manner as an order in a case of a civil nature under the Petty Sessions (Ireland) Act, 1851. 14 & 15 Vict. c. 93.

Venue.

72.—(1) An offence against this Act may be tried either in the county or place in which it was actually committed, or in any county or place in which the alleged offender is apprehended or is in custody, or (where the offence is in respect of a mail, mail bag, postal packet, or money order, or any chattel, money, or valuable security sent by post) in any county or place through which or any part thereof the mail, mail bag, postal packet, money order, chattel, money, or security passed in due course of conveyance by post, and an offence, if committed in Scotland, may also be tried at any sitting of the High Court of Justiciary.

(2) Where the offence is committed on any highway, harbour, canal, river, arm of the sea, or other water, constituting the boundary of two or more counties or places, it may be tried in any of the said counties or places.

(3) The offence of being accessory to or of aiding or abetting an offence against this Act may be tried in any county or place in which the last-mentioned offence may be tried.

Provisions as to form of proceedings.

73.—(1) In any indictment or legal proceeding for any offence committed or attempted to be committed, or any malicious, injurious, or fraudulent act or thing done in, upon, or with respect to, the Post Office or the Post Office revenue, or any mail bag, postal packet, money order, or any chattel, money, or valuable security, sent by post, or in anywise concerning any property under the management or control of the Postmaster-General, it shall be sufficient to allege the property to belong to His Majesty's Postmaster-General, and to allege any such act or thing to have been done with intent to injure or defraud His Majesty's Postmaster-General, without in either case naming the person who is Postmaster-General, and it shall not be necessary to allege or to prove upon the trial or otherwise that the mail bag, postal packet, money order, chattel, money, security, or property was of any value.

(2) In any indictment or legal proceeding against any officer of the Post Office for any offence committed against this Act, it shall be sufficient to allege that the alleged offender was an officer of the Post Office at the time of the committing of the offence, without stating further the nature or particulars of his employment.

Evidence of thing being postal packet.

74. On the prosecution of any offence under this Act, whether on summary conviction or on indictment, evidence that any article is in the course of transmission by post, or has been accepted on behalf of the Postmaster-General for transmission by post, shall be sufficient evidence that the article is a postal packet.

Application of fines.

75. All fines, forfeitures, and other sums recovered in respect of an offence under this Act shall, notwithstanding anything in

any other Act, be paid into the Exchequer unless applied as an appropriation in aid under section two of the Public Accounts and Charges Act, 1891.

54 & 55 Vict. c. 24

Power to compound actions.

76. The Postmaster-General may compromise and compound any legal proceeding, which is commenced by his authority or under his control, against any person for recovering any fine or forfeiture incurred under this Act, on such terms and conditions as the Postmaster-General in his absolute discretion thinks proper, with full power for him, or any of his officers or agents authorised by him for the purpose, to accept any fine or forfeiture so incurred or alleged to be incurred, or any part thereof, without any legal proceeding for recovery thereof.

Saving clause as to liability.

77. When proceedings are taken before any court against a person in respect of an offence under this Act, which is also an offence punishable at common law, or under some Act other than this Act, the court may direct that instead of those proceedings being continued, proceedings shall be taken for punishing that person at common law, or under some Act other than this Act.

Recovery of sums from officers of Post Office.

78.—(1) When any sum not exceeding twenty pounds is due from any officer of the Post Office or from his sureties in respect of moneys received in the discharge of his duty, it may be recovered in the United Kingdom summarily as a civil debt, and any such sum of whatever amount may be recovered in the Channel Islands and the Isle of Man as a debt due to the Crown.

(2) When any such sum does not exceed fifty pounds it may be recovered in Ireland, without prejudice to any other mode of recovery, in the civil bill court.

EXEMPTION FROM TOLLS.

Exemption from toll.

79.—(1) No person shall demand any toll on the passing of any carriage or horse conveying mail bags at places where tolls are otherwise demandable.

(2) If any toll collector or receiver, or other person employed to receive the tolls or rates at a gate or bar erected upon a highway, bridge, or post road, demands toll for any mail or any person, horse, or carriage, going for or employed to go for any mail bag, or does not permit any such mail, person, horse, or carriage, to pass without delay, or wilfully delays or obstructs any such mail, person, horse, or carriage at or in passing a gate or bar, he shall for each offence be liable on summary conviction to a fine not exceeding five pounds.

(3) If any ferryman, or other person employed to receive the tolls at a ferry, demands any toll for any mail, or does not, within fifteen minutes after demand made, convey the mail (if it be possible or safe to do so) across the ferry to the usual landing-place, he shall for each offence be liable on summary conviction to a fine not exceeding five pounds.

(4) All tolls leviable in Scotland or Ireland in respect of mails shall be accounted for and paid by the Postmaster-General out of moneys provided by Parliament.

Post Offices and Letter Boxes.

Notices in post offices. 41 & 42 Vict. c. 26

80. Notwithstanding anything in section nine of the Parliamentary and Municipal Registration Act, 1878, a notice or list to which that section applies, shall not be affixed in or on any post office or any place or property belonging to or used by or on behalf of the Postmaster-General, without authority from the Postmaster-General; and, where the Postmaster-General is of opinion that any such notice or list cannot be so affixed without obstruction or inconvenience to the business of the post office, he may refuse that authority.

Regulation as to Post Office letter boxes.

81.—(1) Where it appears to the Postmaster-General that any post office letter box, by reason of being on the premises of any private person or otherwise, is so situate as not to afford the same security against the improper removal of postal packets therefrom or other fraud as exists in the case of other post office letter boxes, he may declare that that post office letter box shall be a private posting box, and shall affix upon or near the box a notice of its being and of the effect of its being a private posting box, and a postal packet put into that box shall not for the purpose of any enactment, law, or contract, whereby the due posting of a postal packet is evidence of the receipt thereof by the addressee, be deemed to have been duly posted.

(2) A certificate purporting to be signed by the Postmaster-General or any secretary or assistant secretary of the Post Office, and to the effect that any box or receptacle is or was provided by the permission or under the authority of the Postmaster-General for the purpose of receiving postal packets or any of them, shall in any legal proceedings be evidence of the facts stated in the certificate.

Regulations and Warrants.

Regulations and warrants.

82.—(1) The Treasury may, by warrant, on the representation of the Postmaster-General, make regulations with respect to any matter which is authorised or required by this Act to be effected by Post Office regulations.

(2) All Post Office regulations shall be laid as soon as may be before both Houses of Parliament, and a notice of the regulations having been made, and of the place where copies of them can be purchased, shall be published in the London Gazette.

Signature of Treasury warrants, consents, &c. 12 & 13 Vict. c. 89.

83. Any warrant of the Treasury under this Act may be signified in manner provided by the Treasury Instruments (Signature) Act, 1849, and any order, consent, authority, or direction of the Treasury (not being a warrant) under this Act may be signified either in manner provided by that Act or under the hand of one of their secretaries or assistant secretaries.

EXTENT OF ACT.

Application of Act to British possessions.

84. Where there is in any British possession a post established by the Postmaster-General this Act shall apply to that possession in like manner as it applies to the United Kingdom, subject to such modification, if any, as may be made by His Majesty by Order in Council, or as may be made by any enactment of the legislature of the possession.

Power of legislature of British possession to establish posts.

85.—(1) The legislature of any British possession may by any enactment make such provision as may seem fit for the establishment, maintenance, and regulation, of posts within the possession, and for charging rates of postage, and for appropriating the revenue derived therefrom.

(2) Provided that, where there is in the possession any post established by the Postmaster-General, the enactment shall not come into operation until His Majesty's consent thereto given by Order in Council is declared in the possession, or until such later date as may be fixed by the Order in Council.

Cesser of powers of Postmaster-General in British possession.

86. Where the legislature of a British possession has passed any enactment for establishing, maintaining, and regulating posts in the possession, the powers and privileges of the Treasury and the Postmaster-General in relation to posts within the possession shall cease after the date at which the enactment comes into operation.

Arrangements with British possessions and foreign countries as to money orders.

87. Where an arrangement is made with the Government of any British possession, or with the Government, or with any person on behalf, of a foreign State or British protectorate for the transmission of small sums through the post offices of the British Islands and the British possession, foreign State, or British protectorate by means of money orders of a like character to postal orders, the provisions of this Act with respect to postal orders shall, so far as is consistent with the tenor thereof, and subject to any modifications prescribed by Post Office regulations, apply in like manner as if an order issued in pursuance of the arrangement, whether by an officer of the Post Office or by an officer of a British possession, foreign State, or British protectorate, were a postal order within the meaning of those provisions, and such portions of those provisions as enact punishments shall apply accordingly.

Provided that—

(*a*) Any Post Office regulations in relation to any money orders issued in pursuance of any such arrangement as aforesaid may differ from the regulations respecting any other money orders; and

(*b*) Any money orders issued in pursuance of any such arrangement as aforesaid may be of such amount not exceeding the maximum amount fixed by this Act for postal orders, and in such form and subject to such conditions respecting poundage, commission, the periods during which they are payable, and other matters, as may be prescribed by Post Office regulations.

Channel Islands and Isle of Man.

88. This Act shall extend to the Isle of Man and to the Channel Islands, and the Royal Courts of the Channel Islands shall register this Act accordingly.

DEFINITIONS, CONSTRUCTION, COMMENCEMENT, REPEAL, SHORT TITLE.

Definitions.

89. In this Act, unless the context otherwise requires,—

The expression "British possession" does not include the Channel Islands or the Isle of Man:

The expression "postage" means the duty chargeable for the transmission of postal packets:

The expression "inland," when used in relation to any postal packet or any description thereof, means in the case of the British Islands posted within the British Islands, and addressed to some place in the British Islands, and in the case of a British possession posted within that possession and addressed to some place in it, and where used in relation to postage means the postage charged on the packet:

The expression "inward bound" when used in relation to any vessel shall include vessels bound as well to any port in the British Islands as to any port in a British possession:

The expression "outward bound" when used in relation to any vessel shall include vessels bound as well from any port in the United Kingdom as from any port in a British possession:

The expression "master of a vessel" includes every person (except a pilot) having command or charge of a vessel, whether the vessel is a ship of war or other vessel:

The expression "mail" includes every conveyance by which postal packets are carried, whether it be a carriage, coach, cart, horse, or any other conveyance, and also a person employed in conveying or delivering postal packets, and also any vessel employed by or under the Post Office for the transmission of postal packets by contract or otherwise in respect of postal packets transmitted by the vessel:

The expression "mail bag" includes a bag, box, parcel, or any other envelope or covering in which postal packets in course of transmission by post are conveyed, whether it does or does not contain any such packets:

The expression "postal packet" means a letter, post card, reply post card, newspaper, book packet, pattern or sample packet, or parcel, and every packet or article transmissible by post, and includes a telegram:

The expression "officer of the Post Office" includes the Postmaster-General, and any person employed in any business of the Post Office, whether employed by the Postmaster-General, or by any person under him or on behalf of the Post Office:

The expression "post office" includes any house, building, room, carriage, or place used for the purpose of the Post Office, and any post office letter box:

The expression "post office letter box" includes any pillar box, wall box, or other box or receptacle provided by the permission or under the authority of the Postmaster-General for the purpose of receiving postal packets, or any of them, for transmission by or under the authority of the Postmaster-General:

The expression "telegraph post" means a post, pole, standard, stay, strut, or other above-ground contrivance for carrying, suspending, or supporting a telegraph as defined by the Telegraph Act, 1869:

32 & 33 Vict. c. 73.

The expression "indictment" includes an information:

The expression "misdemeanour" means as regards the Channel Islands a crime and offence:

The expression "valuable security" has the same meaning as in the Larceny Act, 1861, and includes anything which is a valuable security within the meaning of that Act, and any part of such thing:

24 & 25 Vict. c. 96.

The expression "the purpose of the Post Office" means any purpose of any of the Post Office Acts or of any Acts for the time being in force relating to Post Office money orders, Post Office telegraphs, or Post Office savings banks, and includes any purpose relating to or in connection with the execution of the duties for the time being undertaken by the Postmaster-General or any of his officers:

The expression "Post Office regulations" means regulations for the time being in force made under this Act by warrant of the Treasury, whether made upon the recommendation of the Postmaster-General or otherwise.

Meaning of "in course of transmission by post" and "delivery to or from a post office."

90. For the purposes of this Act—

(*a*) A postal packet shall be deemed to be in course of transmission by post from the time of its being delivered to a post office to the time of its being delivered to the person to whom it is addressed; and

(*b*) The delivery of a postal packet of any description to a letter carrier or other person authorised to receive postal packets of that description for the post shall be a delivery to a post office; and

(*c*) The delivery of a postal packet at the house or office of the person to whom the packet is addressed, or to him or to his servant or agent or other person considered to be authorised to receive the packet, according to the usual manner of delivering that person's postal packets, shall be a delivery to the person addressed.

Construction of reference to Post Office Acts.

91.—(1) Any reference contained in any enactment, warrant, deed, or document referring to the Post Office Acts, or any of them, or to the Post Office laws, shall be construed, so far as the context permits, as a reference to this Act, and any fines, penalties, and other sums directed to be recovered under the Post Office Acts, or any of them, or the Post Office laws may be recovered in like manner as fines and forfeitures under this Act may be recovered; and any reference in any enactment to an indictable offence under the Post Office laws shall be construed, so far as the context permits, as a reference to any offence punishable on indictment under this Act, whether it is or is not also punishable on summary conviction.

(2) Where by reason of any Act being declared to be a Post Office Act or its provisions to be Post Office laws any enactment repealed by this Act is applied for any purpose, the corresponding provisions of this Act shall apply in like manner.

(3) A reference in any enactment other than this Act to a post letter shall be construed to refer to a postal packet within the meaning of this Act.

Repeal of Acts in schedule.

92. The Acts specified in the Second Schedule to this Act are hereby repealed from and after the commencement of this Act to the extent specified in the third column of that schedule:

Provided that—

(*a*) Any letters patent granted, warrant made, or other instrument issued, or post established in pursuance of any enactment hereby repealed, shall continue in force as if it had been granted, made, issued, or established in pursuance of this Act:

(*b*) Any officer appointed under any enactment hereby repealed shall continue and be deemed to have been appointed under this Act:

(*c*) This repeal shall not affect any Act or Ordinance of the Channel Islands or Isle of Man or of any British possession in force at the commencement of this Act:

(*d*) A warrant under this Act may, subject to the limitations in this Act contained, revoke and alter any existing rate of postage or other sums and any existing warrant and regulation made under any of the Acts repealed by this Act, but, so far as not so revoked or altered, any existing rate of postage or sum may continue to be charged, and any such existing warrant or regulation shall continue in force in like manner as if it had been made in pursuance of this Act.

Commencement of Act.

93. This Act shall come into operation on the first day of May one thousand nine hundred and nine.

Short title.

94. This Act may be cited as the Post Office Act, 1908.

SCHEDULES.

Section 27.

FIRST SCHEDULE.

DECLARATION BY MASTER OF VESSEL.

Declaration to be made by masters.

I, *A.B.*, master of the [*state the name of the ship or vessel*], arriving from [*state the place*], do, as required by law, solemnly declare that I have, to the best of my knowledge and belief, delivered or caused to be delivered to the Post Office every mail bag, package, postal packet, or parcel of postal packets that was on board the [*state the name of the ship*], except such packets as are exempted by law.

Section 92.

SECOND SCHEDULE.

ACTS REPEALED.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
9 Anne c. 11 -	The Post Office (Revenues) Act, 1710.	So much as is unrepealed.
7 Will. 4. and 1 Vict. c. 32.	The Post Office (Repeal of Laws) Act, 1837.	The whole Act.
7 Will. 4. and 1 Vict. c. 33.	The Post Office Management Act, 1837.	The whole Act.
7 Will. 4. and 1 Vict. c. 36.	The Post Office (Offences) Act, 1837.	The whole Act.
3 & 4 Vict. c. 96.	The Post Office (Duties) Act, 1840.	The whole Act.
7 & 8 Vict. c. 49.	The Post Office (Duties) Act, 1844.	The whole Act.
10 & 11 Vict. c. 85.	The Post Office (Duties) Act, 1847.	The whole Act, except sections sixteen and twenty. Section twenty from "and . . . the following" to "eighth "year of the reign of Her "present Majesty."
11 & 12 Vict. c. 88.	The Post Office (Money Orders) Act, 1848.	The whole Act.
12 & 13 Vict. c. 66.	The Colonial Inland Post Office Act, 1849.	The whole Act.
17 & 18 Vict. c. 94.	The Public Revenue and Consolidated Fund Charges Act, 1854.	So much as relates to charges or payments charged upon the Post Office Revenue.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
18 & 19 Vict. c. 78.	The Inland Revenue Act, 1855.	Section four.
23 & 24 Vict. c. 65.	The Post Office (Duties) Act, 1860.	The whole Act.
26 & 27 Vict. c. 43.	The Post Office Lands Act, 1863.	The whole Act.
32 & 33 Vict. c. 73.	The Telegraph Act, 1869 -	Section twenty three to "Provided always that."
33 & 34 Vict. c. 79.	The Post Office Act, 1870 -	The whole Act.
38 & 39 Vict. c. 22.	The Post Office Act, 1875 -	The whole Act.
42 & 43 Vict. c. 49.	The Summary Jurisdiction Act, 1879.	In section fifty-three the words "The Summary Jurisdiction Acts shall apply to all informations, complaints, and other proceedings before a court of summary jurisdiction under the statutes relating to the Post Office."
43 & 44 Vict. c. 33.	The Post Office (Money Orders) Act, 1880.	The whole Act.
44 & 45 Vict. c. 19.	The Post Office (Newspaper) Act, 1881.	The whole Act.
44 & 45 Vict. c. 20.	The Post Office (Land) Act, 1881.	The whole Act.
45 & 46 Vict. c. 2.	The Post Office (Reply Post Cards) Act, 1882.	The whole Act.
46 & 47 Vict. c. 58.	The Post Office (Money Orders) Act, 1883.	The whole Act.
47 & 48 Vict. c. 76.	The Post Office (Protection) Act, 1884.	The whole Act, except the first and third paragraphs of section one and sections eleven and seventeen.
52 & 53 Vict. c. 34.	The Telegraph (Isle of Man) Act, 1889.	Subsection seventeen of section one.
54 & 55 Vict. c. 46.	The Post Office Act, 1891 -	The whole Act, except sections eleven and fourteen.
55 & 56 Vict. c. 24.	The Post Office Act, 1892 -	The whole Act.
58 & 59 Vict. c. 18.	The Post Office Amendment Act, 1895.	The whole Act.
60 & 61 Vict. c. 41.	The Post Office and Telegraph Act, 1897.	Section two.
61 & 62 Vict. c. 18.	The Post Office (Guarantee) Act, 1898.	The whole Act.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
61 & 62 Vict. c. 37.	The Local Government (Ireland) Act, 1898.	Section seventy-five.
61 & 62 Vict. c. 59.	The Post Office Guarantee (No. 2) Act, 1898.	The whole Act.
3 Edw. 7. c. 12.	The Post Office (Money Orders) Act, 1903.	The whole Act.
4 Edw. 7. c. 14.	The Post Office Act, 1904 -	The whole Act.
6 Edw. 7. c. 4.	The Post Office (Money Orders) Act, 1906.	The whole Act.
6 Edw. 7. c. 22.	The Post Office (Literature for the Blind) Act, 1906.	The whole Act.

CHAPTER 49.

An Act for further promoting the Revision of the Statute Law by repealing Enactments which have ceased to be in force or have become unnecessary.

[21st December 1908.]

WHEREAS it is expedient that certain enactments which may be regarded as spent, or have ceased to be in force otherwise than by express specific repeal by Parliament, or have, by lapse of time or otherwise, become unnecessary, should be expressly and specifically repealed:

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Enactments in schedule repealed.

1. The enactments described in the schedule to this Act are hereby repealed, subject to the provisions of this Act and subject to the exceptions and qualifications in the said schedule mentioned; and every part of a title, preamble, or recital specified after the words "in part, namely," in connexion with an Act mentioned in the said schedule may be omitted from any revised edition of the statutes published by authority after the passing of this Act, and there may be added in the said edition such brief statement of the Acts, officers, persons, and things mentioned in the title, preamble, or recital, as may in consequence of such omission appear necessary:

Provided as follows:—

The repeal of any words or expressions of enactment described in the said schedule shall not affect the binding force, operation,

or construction of any statute, or of any part of a statute, whether as respects the past or the future;

and where any enactment not comprised in the said schedule has been repealed, confirmed, revived, or perpetuated by any enactment hereby repealed, such repeal, confirmation, revivor, or perpetuation shall not be affected by the repeal effected by this Act;

and the repeal by this Act of any enactment or schedule shall not affect any enactment in which such enactment or schedule has been applied, incorporated, or referred to;

nor shall such repeal of any enactment affect any right to any hereditary revenues of the Crown, or affect any charges thereupon or prevent any such enactment from being put in force for the collection of any such revenues, or otherwise in relation thereto;

and this Act shall not affect the validity, invalidity, effect, or consequences of anything already done or suffered,—or any existing status or capacity,—or any right, title, obligation, or liability, already acquired, accrued, or incurred, or any remedy or proceeding in respect thereof,—or any release or discharge of or from any debt, penalty, obligation, liability, claim, or demand,—or any indemnity,—or the proof of any past act or thing;

nor shall this Act affect any principle or rule of law or equity, or established jurisdiction, form or course of pleading, practice, or procedure, or the general or public nature of any statute, or any existing usage, franchise, liberty, custom, privilege, restriction, exemption, office, appointment, payment, allowance, emolument, or benefit, or any prospective right, notwithstanding that the same respectively may have been in any manner affirmed, recognised, or derived by, in, or from any enactment hereby repealed;

nor shall this Act revive or restore any jurisdiction, office, duty, drawback, fee, payment, franchise, liberty, custom, liability, right, title, privilege, restriction, exemption, usage, practice, procedure, form of punishment, or other matter or thing not now existing or in force;

and this Act shall not extend to repeal any enactment so far as the same may be in force in any part of His Majesty's dominions out of the United Kingdom, except where otherwise expressed in the said schedule.

Application of repealed enactments in local courts.

2. If and so far as any enactment repealed by this Act applies or may have been by Order in Council applied to the court of the county palatine of Lancaster or to any inferior court of civil jurisdiction, such enactment shall be construed as if it were contained in a local and personal Act specially relating to such court and shall have effect accordingly.

Short title.

3. This Act may be cited as the Statute Law Revision Act, 1908.

SCHEDULE.

Reign and Chapter.	Short Title.
50 & 51 Vict. :	
c. 1.	The Consolidated Fund (No. 1) Act, 1887.
c. 2.	The Army (Annual) Act, 1887. In part, namely,— Preamble. Sections two and three. Schedule.
c. 5.	The Isle of Man (Customs) Act, 1887. In part, namely,— Section two, the words "Commissioners of Her Majesty's" occurring twice before the word "Treasury" and the words "Her Majesty's" occurring twice before the word "Customs."
c. 6.	The Supreme Court of Judicature (Ireland) Act, 1887. In part, namely,— Section one, to "this Act," where first occurring. Section three, to "this Act." Section four, to "this Act."
c. 7.	The Customs Consolidation Act, 1876, Amendment Act, 1887. In part, namely,— Preamble.
c. 8.	The Incumbents of Benefices Loans Extension Act, 1886, Amendment Act, 1887.
c. 9.	The Police Disabilities Removal Act, 1887. In part, namely,— Preamble. Section one. Schedule.
c. 10.	The Duke of Connaught's Leave Act, 1887.
c. 11.	The Conversion of India Stock Act, 1887. In part, namely,— Preamble. Section six, from "and also" to the end of the section. Section eight. Section nine, the words "the Governor and Company of," occurring twice and the words "and includes their successors."
c. 12.	The Truro Bishopric and Chapter Acts Amendment Act, 1887. In part, namely,— Preamble. Section thirteen.

Reign and Chapter.	Short Title.
50 & 51 Vict. :	
c. 13.	The Pensions (Colonial Service) Act, 1887. In part, namely,— Section two, the words "Commissioners of Her Majesty's". Section five, preamble.
c. 14.	The Consolidated Fund (No. 2) Act, 1887.
c. 15.	The Customs and Inland Revenue Act, 1887. In part, namely :— Preamble. Sections two, seventeen, nineteen to twenty-one.
c. 16.	The National Debt and Local Loans Act, 1887. In part, namely,— Section three. Section five, to "enacted as follows." Section nine, to "enacted as follows." Section nineteen, from "The expression 'Treasury'" to "of the Bank of Ireland." Sections twenty and twenty-one. Third Schedule.
c. 17.	The Metropolis Management (Battersea and Westminster) Act, 1887.
c. 18.	The Trusts (Scotland) Act, 1867, Amendment Act, 1887.
c. 19.	The Quarry (Fencing) Act, 1887. In part, namely,— Preamble. Section two.
c. 20.	The Criminal Law and Procedure (Ireland) Act, 1887. In part, namely,— Section four, the figure "(1)" and the preamble. Section six the word "ARMS" in the heading. Section eight. Section twelve, subsection (1), the words "to the Lord Lieutenant". Section fourteen, the words "Commissioners of Her Majesty's". Section nineteen, the definitions of "Lord Lieutenant," "county," "court of assize," and "the High Court".
c. 21.	The Water Companies (Regulation of Powers) Act, 1887. In part, namely,— Preamble.
c. 24.	The Crofters' Holdings (Scotland) Act, 1887. In part, namely,— Section two, from "within" to "after the passing of this Act".
c. 26.	The Allotments and Cottage Gardens Compensation for Crops Act, 1887. In part, namely,— Section three.

Reign and Chapter.	Short Title.
50 & 51 Vict. : c. 27.	The Markets and Fairs (Weighing of Cattle) Act, 1887. In part, namely,— Preamble.
c. 28.	The Merchandise Marks Act, 1887. In part, namely,— Section sixteen, subsection (6), the words "Commissioners of Her Majesty's." Section sixteen, subsection (10). Section twenty-three, to "repealed and" and from "provided that" to the end of the section.
c. 29.	The Margarine Act, 1887. In part, namely,— Preamble. Section two.
c. 30.	The Settled Lands Act (Amendment) Act, 1887. In part, namely,— Preamble.
c. 32.	The Open Spaces Act, 1887. In part, namely,— Section four, the words "and this Act".
c. 33.	The Land Law (Ireland) Act, 1887. In part, namely,— Section two. Section eight, subsection (8), the words "within nine months after the passing of this Act or" and "whichever shall last happen". Section fifteen, subsection (3), the words "Her Majesty's", and "Forests and Land Revenues", and the words "Commissioners of the" twice occurring. The words "of Justice in Ireland" occurring in section eighteen, subsection (1), and sections nineteen and twenty-two. The preambles to sections twenty-four and twenty-seven. Section twenty-four, subsection (3), the words "Commissioners of Her Majesty's" and "(in this Act referred to as 'the Treasury')". Section thirty-three, subsection (2), the words "On the passing of this Act" and "subsequently". Section thirty-four, first definition, the words "of Justice".
c. 34.	The London Parks and Works Act, 1887. In part, namely,— Section two, the words "From and after the date of transfer," the words "Her Majesty's," and the words "and Public Buildings (in this Act referred to as the 'Commissioners of Works')". Section four, the words "From and after the date of transfer," the words "in force at the date of transfer, or thereafter to be in force," and the proviso. Section seven.

Reign and Chapter.	Short Title.
50 & 51 Vict. :	
c. 35.	The Criminal Procedure (Scotland) Act, 1887. In part, namely,— Preamble. Section one, from "Every expression" to "successors". Section forty-three, to "this Act". Section forty-four, to "of this Act". Section forty-five, to "of this Act", and the words "from and after such commencement". Section seventy-six, to "passing of this Act". Section seventy-seven.
c. 36.	The Lieutenancy Clerks Allowance Act, 1887. In part, namely,— Preamble.
c. 37.	The Public Works Loans Act, 1887. In part, namely,— Sections two and three. Section four, to "enacted that," and the words "any justices in quarter sessions assembled and," "the Commissioners of Supply of counties and", and "any grand jury making a presentment which has been previously sanctioned at presentment sessions and", and the words "which may be hereafter" thrice occurring. Schedule.
c. 39.	The Lunacy Districts (Scotland) Act, 1887. In part, namely,— Preamble.
c. 40.	The Savings Bank Act, 1887. In part, namely,— Section one, the preamble. Section eleven. Section twelve, from "the following Acts" to the end of the section. First and Second Schedules.
c. 41.	The Sheriff of Lanarkshire Act, 1887.
c. 42.	The Public Libraries Consolidation (Scotland) Act, 1887. In part, namely,— Preamble. Section three, to "but." Section four, the words "of the magistrates and council of any burgh or", "burgh or", "the chief magistrate of such burgh, or, in the case of a parish", and "burgh or", the words from "where in any burgh" to "but in any other case", and the words "to the chief magistrate or" and "as the case may be". Section five, the words "burgh or". Section six, the words "in the case of a burgh, out of the burgh general assessment and", "of the chief magistrate or", and "as the case may be". Section nine, the words "or board, as the case may be" and "or two members of the board, as the case may be".

Reign and Chapter.	Short Title.
50 & 51 Vict. c. 42.—*cont.*	The Public Libraries Consolidation (Scotland) Act, 1887—*cont.* Schedule (A), clause (1), "the chief magistrate or" and "as the case may be", clause (2), to "ward; and", clause (4), the words "The chief magistrate or" and "as the case may be"; clause (5), the words "The chief magistrate, or", "as the case may be", and "burgh or"; clause (8), the words "the chief magistrate, or" and "as the case may be"; clause (9), to "ward, and", and the words "burgh or"; clause (12), the words "of the chief magistrate, or" and "as the case may be"; clause (13), the words "with the municipal register, or", "the chief magistrate, or", and "as the case may be"; clause (14), the words "the chief magistrate or", and "as the case may be": Form of Intimation, the words "burgh or", wherever occurring, and the word "register"; Form of Voting Paper, the words "Burgh or", occurring twice, and the word "register". Schedule (B), clause (1), the words "the chief magistrate, or", "the burgh, or", and "burgh or," and the words "as the case may be", occurring twice; clause (2), the words "burgh, or" occurring thrice, and the words "as the case may be" occurring twice; clause (3), to "register, and"; clause (4), the words "on the municipal register in the case of a burgh, or" "the chief magistrate, or", "as the case may be", and "burgh, or"; clause (5), the words "The chief magistrate, or", occurring twice, and "as the case may be", occurring twice; clause (6), the words "chief magistrate, or" and "as the case may be": Form of Notice of Public Meeting, the words "burgh, or", wherever occurring, and the words from "In the case of a burgh add" to "time being", and the words "The chief magistrate, or", "as the case may be", and "Chief Magistrate [or".
c. 43.	The Summaries Act, 1887. In part, namely,— Sections seven, eleven, thirteen, twenty-one, twenty-two, and twenty-nine, the words "after the commencement of this Act". Section ten, the words "or eighth". Section thirty-one, the words "From and after the commencement of this Act". Section thirty-six.
c. 45.	The Metropolitan Police Act, 1887. In part, namely,— Preamble.
c. 46.	The Truck Amendment Act, 1887. In part, namely,— Section one, from "The Act" to the end of the section. Section fourteen, from "the expression" to "other". Section fifteen to "repealed." Section seventeen. Section eighteen, paragraph (1), from "(that is to say)": Schedule.

Reign and Chapter.	Short Title.
50 & 51 Vict. :	
c. 47.	The Trustee Savings Banks Act, 1887. In part, namely,— Preamble. Section one, to "1863 and 1887". Section four, the definition of "Treasury".
c. 49.	The Charitable Trusts Act, 1887. In part, namely,— Section two, subsection (1), the words "for England and Wales," "Commissioners of Her Majesty's," and "(in this Act referred to as the Treasury)". Section four, the words "From and after the date fixed by a regulation under this section," and the words "From and after the said date". Section six. Second Schedule.
c. 50.	The Appropriation Act, 1887.
c. 51.	The Valuation of Lands (Scotland) Amendment Act, 1887. In part, namely,— Preamble.
c. 52.	The Secretary for Scotland Act, 1887. In part, namely,— Preamble. Section two, the words "From and after the commencement of this Act," and the words "Commissioners of Her "Majesty's." Section four.
c. 53.	The Escheat Procedure Act, 1887. In part, namely,— Preamble. Section two, subsections (2) and (3), the words "of Judicature." Section three, to "passed and". Schedule.
c. 54.	The British Settlements Act, 1887. In part, namely,— Section seven, to "Provided that". Schedule.
c. 55.	The Sheriffs Act, 1887. In part, namely,— Sections six and thirty-four, the word "High" occurring before "Chancellor", and the words "of Great Britain", and in section six the words "or Middlesex", and the words "of Justice", occurring after "High Court". Sections seven, sixteen, twenty, twenty-one, twenty-two, twenty-three, twenty-six, twenty-nine, and thirty-four, the words "of Justice", wherever occurring. Sections twenty-two and thirty-three, the words "of Judicature" wherever occurring.

Reign and Chapter.	Short Title.
50 & 51 Vict. : c. 55.—*cont.*	The Sheriffs Act, 1887—*cont.* Section thirty-three, the words "sheriff of Middlesex and" three times occurring, and the words "sheriff or" twice occurring. Section thirty-eight, the definitions of "Treasury" and "quarter sessions". Section thirty-nine, to "Provided that". Third Schedule.
c. 57.	The Deeds of Arrangement Act, 1887. In part, namely,— Section three. Section five, the words "From and after the commencement of this Act". Sections eight and fourteen, the words "of Judicature" wherever occurring. Sections eight, eleven, and nineteen, the words "of Justice". Section sixteen.
c. 58.	The Coal Mines Regulation Act, 1887. In part, namely,— Preamble. Section fifty-two, the words "within three months after the commencement of this Act, or" and the words "(if subsequent to the commencement of this Act)". Section sixty-eight, subsection (1). Section seventy-five, the definitions of "Secretary of State", and "the Treasury". Sections seventy-eight and seventy-nine. Sections eighty-one and eighty-two. Section eighty-four. Fourth Schedule.
c. 59.	The Statute Law Revision Act, 1887. In part, namely,— Schedule.
c. 60.	The Prison (Officers' Superannuation, Scotland) Act, 1887. In part, namely,— Preamble.
c. 61.	The Local Government (Boundaries) Act, 1887.
c. 63.	The Expiring Laws Continuance Act, 1887.
c. 64.	The Technical Schools (Scotland) Act, 1887. In part, namely,— Section two, the words from "shall commence" to "respectively, and".
c. 65.	The Military Tramways Act, 1887. In part, namely,— Section three, the words "one of Her Majesty's Principal Secretaries of State (in this Act referred to as" and the bracket before the word "make". Section five, the words "Commissioners of Her Majesty's".

Reign and Chapter.	Short Title.
50 & 51 Vict.:	
c. 67.	The Superannuation Act, 1887. In part, namely,— Section twelve, the definition of "Treasury". Section thirteen, to "cited as," and the words "and that Act". Section fourteen. Schedule.
c. 68.	The Pluralities Act, 1887. In part, namely,— Preamble. Section one, the words "after the passing of this Act" where first occurring. Section two, from "The Act" to "cited as the Pluralities Act, 1838".
c. 69.	The Conveyancing (Scotland) Acts (1874 and 1879) Amendment Act, 1887. In part, namely,— Preamble.
c. 70.	The Appellate Jurisdiction Act, 1887. In part, namely,— Preamble. Section one, the preamble.
c. 71.	The Coroners Act, 1887. In part, namely,— Sections six and thirty-five, the words "of Justice" wherever occurring. Section thirty-eight, from "but the" to "purposes of this Act" where first occurring. Section forty-one, clause (*d*). Section forty-two, the definitions of "quarter sessions," "borough," "Secretary of State," "parish" and "the Lord Chancellor". Section forty-five, to "Provided that", and provisoes (1), (3) and (4). Third Schedule.
51 & 52 Vict.:	
c. 1.	The Consolidated Fund (No. 1) Act, 1888.
c. 2.	The National Debt (Conversion) Act, 1888. In part, namely,— Preamble. Section one. Section two, subsection (1), from "for the year" to "and three and shall thereafter". Section two, subsection (3), from "and the first" to the end of the subsection. Section two, subsection (4), from "two and three-quarters" to "shall be called". Sections three to ten. Sections fourteen and fifteen. Section sixteen, subsection (2). Section seventeen.

Reign and Chapter.	Short Title.
51 & 52 Vict.: c. 2.—*cont.*	The National Debt (Conversion) Act, 1888—*cont.* Sections twenty to twenty-four. Section twenty-six. Section twenty-nine. Section thirty-two, the definitions of "the Treasury", "High Court", and "Lord Chancellor", and the words "Governor and Company of the" twice occurring.
c. 3.	The Statute Law Revision Act, 1888. In part, namely,— Schedule, Parts I. and II.
c. 4.	The Army (Annual) Act, 1888. In part, namely,— Preamble. Sections two and three. Preamble to sections four and five. Sections six and seven. Schedule.
c. 5.	The Oude and Rohilkund Railway Purchase Act, 1888. In part, namely,— Preamble. Section three, the words "after the passing of this Act". Section eighteen, to "provide; and".
c. 6.	The Metropolitan Board (Commission) Act, 1888.
c. 8.	The Customs and Inland Revenue Act, 1888. In part, namely,— Preamble. Section two. Section four, subsection (1), to "that day". Section twenty-two, subsection (2), the words "the Commissioners of", and subsection (4). Section twenty-three, section twenty-four, subsection (1), and sections twenty-five and twenty-six. Second and Third Schedules.
c. 9.	The Roads and Bridges (Scotland) Act, 1878, Amendment Act, 1888. In part, namely,— Preamble.
c. 10.	The County Electors Act, 1888. In part, namely,— Preamble. Section four, subsection (1), clause (*a*), the words "(subsection one of which section is hereby repealed)". Section five, to "eighty-eight". Section six, subsection (2), the words "of Justice". Section seven, subsection (3). Section nine, the words "Commissioners of Her Majesty's". Section ten, subsections (1), (2) and (4). Section eleven, subsection (2). Section thirteen, from "and if clerks of the peace" to the end of the section. Section fourteen from "also any" to "Parliament". Section fifteen.

Reign and Chapter.	Short Title.
51 & 52 Vict. :	
c. 11.	The Westminster Abbey Act, 1888. In part, namely,— Preamble. Sections two and three. Section four, subsection (8), the words "of Justice". Section five, the words "Commissioners of Her Majesty's".
c. 12.	The Electric Lighting Act, 1888. In part, namely,— Section two, to "effect; that is to say,"
c. 15.	The National Debt (Supplemental) Act, 1888. In part, namely,— Section three. Section five, to "eighty-eight", and the words "either before or after that day", and from "and as from" to the end of the section. Section seven.
c. 16.	The Consolidated Fund (No. 2) Act, 1888.
c. 17.	The Copyright (Musical Compositions) Act, 1888. In part, namely,— Preamble. Section two, from "and section four" to the end of the section.
c. 19.	The Inebriates Act, 1888. In part, namely,— Preamble. Section two. Section four, to "provides that", and from "two Justices of the Peace having" to "that of".
c. 20.	The Glebe Lands Act, 1888. In part, namely,— Sections four and seven, the words "for England," wherever they occur. Section nine, the word "High," the words "of Great Britain," and the words "Commissioners of Her Majesty's," twice occurring.
c. 21.	The Law of Distress Amendment Act, 1888. In part, namely,— Section three. Section four, to "Act," where first occurring. Section seven, to "Act," where first occurring and from "If any person" to "such extortion or misconduct." Section eight, to "Act," where first occurring. Section nine.
c. 25.	The Railway and Canal Traffic Act, 1888. In part, namely,— Section two, to "mentioned". Section seven, subsection (1), paragraph (*a*), the words "which may be," "an," and from "passed" to "session" and from "any justices" to "Works".

Reign and Chapter.	Short Title.
51 & 52 Vict. : c. 25.—*cont.*	The Railway and Canal Traffic Act, 1888—*cont.* Section eight, the words "from and after the commencement "of this Act". Section twenty-five, preamble. Section thirty-nine, subsection (1), the words "beginning "on the first day of January next after the passing "of this Act". Section thirty-nine, subsection (2), from "within" to "afterwards." Section forty, subsection (1), from "save in" to the end of the subsection, and in subsection (2), the words "before or at the time of the passing of this Act". Section forty-seven. Section fifty-five, the definitions of "Lord Chancellor" and "Summary Jurisdiction Acts" the words "of Justice" twice occurring, and the words "and any reference to "justices in quarter sessions shall be construed to refer to "a grand jury." Sections fifty-six to fifty-nine. Schedule.
c. 26.	The Consolidated Fund (No. 3) Act, 1888.
c. 27.	The Supreme Court of Judicature (Ireland) Amendment Act, 1888. In part, namely,— Section two, subsection (2).
c. 28.	The Marriages Validation Act, 1888. In part, namely,— Preamble.
c. 29.	The Lloyd's Signal Stations Act, 1888. In part, namely,— Preamble. Section eight, the words "Her Majesty's" where they occur before the word "Works", the words "and Public Buildings", the words "Her Majesty's" where they occur before the word "Customs", and the words "Lords Commissioners of Her Majesty's." Sections fourteen, fifteen, sixteen, and seventeen, the words "Her heirs or successors" wherever occurring. Section nineteen, the definition of "Postmaster-General".
c. 30.	The Fishery (Ireland) Act, 1888. In part, namely,— Section two.
c. 31.	The National Defence Act, 1888. In part, namely,— Section four, subsection (8), the definitions of "Secretary of State" and "Admiralty". Section five, the preamble.
c. 33.	The Hawkers Act, 1888. In part, namely,— Section three, subsection (1), the words "Her heirs and successors,". Section eight. Schedule.

Reign and Chapter.	Short Title.
51 & 52 Vict. :	
c. 35.	The Special Commission Act, 1888.
c. 36.	The Bail (Scotland) Act, 1888. In part, namely,— Section two, to "this Act." Section four, from "and the Act" to "is hereby repealed" and the word "other". Section eleven.
c. 37.	The Timber (Ireland) Act, 1888. In part, namely,— Section one, to "this Act".
c. 38.	The Expiring Laws Continuance Act, 1888.
c. 39.	The Public Works Loans Act, 1888. In part, namely,— Sections one to three. Section four, to "enacted that". Section six, subsection (3), the words "Commissioners of Her Majesty's". Section eight, to "enacted as follows". Schedule.
c. 41.	The Local Government Act, 1888. In part, namely,— Section three, paragraph (xiii), the words "to contagious diseases of animals." The words "on and after the appointed day" wherever they occur in sections three, seven, nine, subsection (1), fourteen, subsection (1), thirty-five, forty, forty-four, and sixty-four. The words "After the appointed day" wherever they occur in sections five, subsection (1); eleven, subsection (1); twelve, subsection (1); thirteen, subsection (1); thirty-eight; forty, subsection (8); and seventy-two. Section five, subsection (6), to "1887, and", the word "other", and from "as from" to the end of the subsection. Section ten, subsection (1), to "this Act". The words "after such day" wherever they occur in sections twelve, subsection (1), and thirteen, subsection (1). Section twelve, subsection (1), from "and the Act" to the end of the subsection. The words "on the appointed day" wherever they occur in sections thirteen, subsection (2); thirty-four, subsection (2). Section eighteen, subsection (2), the words "after the first "day of January, one thousand eight hundred and ninety-"two". Section twenty, subsection (1), to "passing of this Act". Section twenty-one to "this Act". Section twenty-four, subsection (1), from "as from" to the end of the subsection. Section twenty-six, subsection (1), to "next after the passing of this Act". Section twenty-nine, the words "of Justice". Section thirty-one, section forty-two, subsection (14), and section forty-six, clause (6), the words "from and after the appointed day".

Reign and Chapter.	Short Title.
51 & 52 Vict. c. 41.—*cont.*	The Local Government Act, 1888—*cont.* Section thirty-nine, subsection (1) the words "the Contagious Diseases (Animals) Acts, 1878 to 1886, or". Section forty-two, subsections (8), (9), (11), and in subsection (14) the words "from and after the next vacancy". Section forty-three, subsection (1), paragraph (*b*), the words "during the five local financial years beginning on the "appointed day," "and shall, after the end of the said "five local financial years," and "continue to be reckoned "in accordance with the same average number". Section fifty-one, the words "whether for the first election or for subsequent elections," and subsection (5). Section fifty-four, subsection (2), the words "before the first day of November, one thousand eight hundred and eighty-nine," and subsection (5). Section sixty-one, subsections (1) to (4), (6), and (10), and in subsection (8) the words "of Justice in England". Section sixty-four, subsection (1), paragraph (*b*), the words "for England and Wales," and paragraph (*c*), from "and any difference" to the end of the subsection. Section seventy-two, the words "as respects any transactions commenced." Section seventy-three, subsection (1) to "this Act" and from "but until" to the end of the subsection. Section seventy-six, subsections (5) and (8). Section eighty-five, to "1878, and". Section eighty-nine, subsection (3), the words "of Judicature". Section ninety-nine. Section one hundred, the definitions of "Secretary of State", "Treasury," and "Bank of England", "highway area", "assizes", and "County and Borough Police Act, 1856" and the word "and" occurring at the end of that last definition; the definitions of "district council" and "county district" from "and until such council is established" to the end of those definitions; the words "until the establishment of district councils as aforesaid, an urban sanitary authority; and after their establishment", in the definition of "urban authority"; the words "until the establishment of district councils as aforesaid, a rural sanitary authority; and after their establishment", in the definition of "rural authority". Sections one hundred and three to one hundred and eight. Section one hundred and nine, subsection (2). Sections one hundred and ten to one hundred and fourteen. Section one hundred and fifteen, subsections (1) to (4). Section one hundred and sixteen. Section one hundred and seventeen, subsections (3) and (5). Section one hundred and twenty-one. Section one hundred and twenty-two, subsection (3). Section one hundred and twenty-six, subsection (2).
c. 42.	The Mortmain and Charitable Uses Act, 1888. In part, namely,— Section four, subsection (9), and section seven, the words "of Judicature".

Reign and Chapter.	Short Title.
51 & 52 Vict. : c. 42.—*cont.*	The Mortmain and Charitable Uses Act, 1888—*cont.* Section thirteen, subsection (1), to "Provided that" and clauses (*b*), (*c*) and (*d*). Schedule.
c. 43.	The County Courts Act, 1888. In part, namely,— Preamble. Section two. Sections one hundred and one and one hundred and sixty-four, the words "of Justice", wherever they occur. Section one hundred and eighty-six, the definitions of "Treasury", "Supreme Court", and "High Court". Section one hundred and eighty-eight, to "Provided that", and provisoes (4) and (5) and in proviso (1) the words "or rule". Schedule.
c. 44.	The Local Bankruptcy (Ireland) Act, 1888. In part, namely,— Section two, from "shall commence" to "eighty-nine, and". Section four, the words "From and after the commence- "ment of this Act". Sections five, six, eight, and sixteen, the words "after the passing of this Act".
c. 46.	The Oaths Act, 1888. In part, namely,— Section six. Schedule.
c. 47.	The Law of Distress and Small Debts (Ireland) Act, 1888. In part, namely,— Section two. The words "From and after the commencement of this Act" occurring in sections five and seven. Section seven, the words "at least one fortnight before the commencement of this Act, and", and the word "afterwards". Section sixteen, from "Such rules may be made" to the end of the section.
c. 49.	The Purchase of Land (Ireland) Amendment Act, 1888. In part, namely,— Section four, the words "after the passing of this Act".
c. 51.	The Land Charges Registration and Searches Act, 1888. In part, namely,— Section two. Section five, subsection (4), the words "of Judicature". The words "of Justice" occurring in sections eight and fourteen. Section eighteen, the words "at any time after the passing of this Act, and", and "Commissioners of Her Majesty's".

Reign and Chapter.	Short Title.
51 & 52 Vict. :	
c. 52.	The Public Health (Buildings in Streets) Act, 1888. In part, namely,— Preamble. Section three, to "enacted that".
c. 53.	The Borough Funds (Ireland) Act, 1888. In part, namely,— Section two, from "and the term Chief Secretary" to the end of the section.
c. 54.	The Sea Fisheries Regulation Act, 1888. In part, namely,— Section sixteen. Schedule.
c. 55.	The Sand-Grouse Protection Act, 1888. In part, namely,— Section one, from "after" to "ninety-two".
c. 56.	The Suffragans Nomination Act, 1888. In part, namely,— Section two, to "this Act".
c. 57.	The Statute Law Revision (No. 2) Act, 1888. In part, namely,— Schedule.
c. 58.	Employers Liability Act, 1880, Continuance.
c. 59.	The Trustees Act, 1888. In part, namely,— Section eight, subsection (3), from "shall apply" to "ninety and".
c. 60.	The Probate Duties (Scotland and Ireland) Act, 1888. In part, namely,— The title, the words "Scotland and" and "respectively". Preamble. Section one, paragraph (*a*). Section two. Section three, proviso, the words "after the passing of this Act". Section four, in subsection (1), the words "Scotland and," "the Secretary for Scotland or," and "for Ireland, as the case may be," and in subsection (3), the words "the Secretary for Scotland or the Board of Supervision or". Section five, the definitions of "Treasury," "Lord Lieutenant of Ireland" and "highlands and islands of Scotland." Section six, the words "Scotland and".
c. 61.	The Appropriation Act, 1888.
c. 62.	The Preferential Payments in Bankruptcy Act, 1888. In part, namely,— Sections five and six. Schedule.
c. 63.	The Crofters Commission (Delegation of Powers) Act, 1888. In part, namely,— Preamble.

Reign and Chapter.	Short Title.
51 & 52 Vict.:	
c. 64.	The Law of Libel Amendment Act, 1888. In part, namely,— Preamble. Section two. Section eight, to "enacted that".
c. 65.	The Solicitors Act, 1888. In part, namely,— Preamble. Section two. Section five, the words "as soon as may be after the passing of this Act". Section seven, the words "and not registered before the passing of this Act". The words "of Justice" occurring in sections thirteen and nineteen. Section twenty. Schedule.
52 & 53 Vict.:	
c. 1.	The Consolidated Fund (No. 1) Act, 1889.
c. 2.	The Consolidated Fund (No. 2) Act, 1889.
c. 3.	The Army (Annual) Act, 1889. In part, namely,— Preamble. Sections two and three. Schedule.
c. 4.	The National Debt Redemption Act, 1889. In part, namely,— Preamble. Sections one to four. The words "at any time after the passing of this Act and" occurring in sections five and six. Sections seven to fifteen. Section eighteen, the definitions of "the Treasury," "High Court," "The Lord Chancellor" and "Financial year" and the words "the Governor and Company of" occurring twice in the definition of "The Bank". Schedule.
c. 6.	The National Debt Act, 1889. In part, namely,— Section three, the preamble. The words "After the passing of this Act" occurring in section four, subsection (3), and section five. Section five, the words "Commissioners of Her Majesty's." Section six. Schedule.
c. 7.	The Customs and Inland Revenue Act, 1889. In part, namely,— Preamble. Section two.

Reign and Chapter.	Short Title.
52 & 53 Vict. : c. 7.—*cont.*	The Customs and Inland Revenue Act, 1889—*cont.* Section three, subsection (1), from "on and after," to "eighty-nine". Section four, from "from and after" to "eighty-nine." Section five, subsection (1), the words "of Justice". Sections nineteen to twenty-two.
c. 10.	The Commissioners of Oaths Act, 1889. In part, namely,— Sections twelve and fourteen. Schedule.
c. 11.	The Sale of Horseflesh, &c., Regulation Act, 1889. In part, namely,— Preamble. Section eleven.
c. 12.	The Assizes Relief Act, 1889. In part, namely,— The words "of Justice" occurring in section one subsection (1), and section five. Section seven, the definition of "High Court".
c. 13.	The Purchase of Land (Ireland) Amendment Act, 1889. In part, namely,— Preamble.
c. 14.	The Town Police Clauses Act, 1889. In part, namely,— Preamble. Section one, from "and this Act" to the end of the section.
c. 15.	The Consolidated Fund (No. 3) Act, 1889.
c. 16.	The Secretary for Scotland Act, 1889. In part, namely,— Preamble.
c. 17.	The London Coal Duties Abolition Act, 1889. In part, namely,— Preamble. Section one, to "eighty-nine", and the provisoes. Section two.
c. 18.	The Indecent Advertisements Act, 1889. In part, namely,— Sections two and seven.
c. 19.	The Registration of County Electors (Extension of Time) Act, 1889.
c. 21.	The Weights and Measures Act, 1889. In part, namely,— Preamble. Section one, subsection (2), from "after" to "of this Act". Section five. Section nineteen, subsection (3) to "therefore". Section thirty-three, subsection (2). Sections thirty-six and thirty-seven. First and Fifth Schedules.

Reign and Chapter.	Short Title.
52 & 53 Vict. :	
c. 24.	The Master and Servant Act, 1889. In part, namely,— Schedule.
c. 25.	The National Portrait Gallery Act, 1889. In part, namely,— Preamble. Section one, subsection (2), the words "Her Majesty's" and "and Public buildings".
c. 26.	The Small Debt Amendment (Scotland) Act, 1889. In part, namely,— Preamble. Section one, from "and these Acts". Section fourteen.
c. 27.	The Advertising Stations (Rating) Act, 1889. In part, namely,— Preamble. Section seven.
c. 30.	The Board of Agriculture Act, 1889. In part, namely,— Section one, subsection (3). Section two, subsection (1), paragraph (c), to "Treasury", and the words "Her Majesty's" and "and Public Buildings". Section four, the words "at Cooper's Hill College or elsewhere". Section nine, subsection (2). Section ten. Section twelve, the definitions of "Treasury" and "the Privy Council". Section thirteen, to "Provided that", and the words "shall "not affect the tenure of office, salary, or allowance of "any person holding office at the passing of this Act "and". First Schedule, the entries relating to the following Acts :— 41 & 42 Vict. c. 54 ; 47 & 48 Vict. c. 13 ; 47 & 48 Vict. c. 47 ; 49 & 50 Vict. c. 32 ; 36 & 37 Vict. c. 42 ; 4 & 5 Vict. c. 35 ; 6 & 7 Vict. c. 23 ; 7 & 8 Vict. c. 55 ; 15 & 16 Vict. c. 51 ; 21 & 22 Vict. c. 94 ; 50 & 51 Vict. c. 73. Second Schedule.
c. 33.	The Windward Islands Appeal Court Act, 1889. In part, namely,— Preamble.
c. 34.	The Telegraph (Isle of Man) Act, 1889. In part, namely,— Preamble.
c. 37.	The Companies Clauses Consolidation Act, 1889.

Reign and Chapter.	Short Title.
52 & 53 Vict. :	
c. 38.	The Basutoland and British Bechuanaland Marriage Act, 1889. In part, namely,— Preamble.
c. 39.	The Judicial Factors (Scotland) Act, 1889. In part, namely,— Preamble. Section one, to "thereof", and the words "and Her heirs and successors", and "Commissioners of Her Majesty's". Section eight, to "this Act". Section eleven, to "this Act". Section sixteen, to "thereafter". Section eighteen, to "repealed, and". Section twenty-three, from "and shall" to the end of the section.
c. 40.	The Welsh Intermediate Education Act, 1889. In part, namely,— Section one, from "and may" to the end of the section. Section nine, the words "Commissioners of Her Majesty's" occurring twice. Section eleven, to "Act and", and from "Nothing" to the end of the section. Section seventeen, the definitions of "Education Department" and "Charity Commissioners".
c. 42.	The Revenue Act, 1889. In part, namely,— Section one, the words "from and after the passing of this Act." Section five. Section eleven. Sections thirty-five and thirty-six. Schedule.
c. 45.	The Factors Act, 1889. In part, namely,— Sections fourteen and fifteen.
c. 47.	The Palatine Court of Durham Act, 1889. In part, namely,— Preamble. Sections one, nine, and ten, the word "High" where it occurs before the word "Chancellor", and the words "of Great Britain". Section eleven, the words "after the passing of this Act".
c. 48.	The County Court Appeals (Ireland) Act, 1889. In part, namely,— Section fifteen, the words "from and after the passing of this Act". Section seventeen, from "and in this Act" to the end of the section.

Reign and Chapter.	Short Title.
52 & 53 Vict. :	
c. 49.	The Arbitration Act, 1889. In part, namely,— Section twenty-five, from "shall not" to "Act, but". Section twenty-six, subsection (1). Section twenty-nine. Second Schedule.
c. 50.	The Local Government (Scotland) Act, 1889. In part, namely,— Section four, subsection (3) from "Provided that" to "hereinafter provided". Section eight, subsection (1), the words, "in the month of "January, in the year one thousand eight hundred and "ninety, and" and "subsequent". Section eleven, from "on and after" to "specified," and in paragraph (3) the words "the Contagious Diseases (Animals) Acts and" and paragraph (4). Section twelve, subsection (1), from "Provided also" to the end of the subsection. The words "then on and after the appointed day" occurring in sections thirteen and fourteen. The words "After the passing of this Act" occurring in sections fifteen, subsection (1), eighty-three, subsection (4), and eighty-six. The words "From and after the appointed day" occurring in section sixteen, subsections (1), (2), section sixty-eight, subsection (2). Section sixteen, subsection (1), from "and the said Act" to the end of the subsection. Subsection (2), paragraph (*a*), to "repealed and," and paragraph (*c*) from "Sections sixteen" to "day; and". The words "at their first meeting in the month of May next after the passing of this Act, and thereafter" occurring in sections sixteen, subsection (2), paragraph (*b*), and seventy-seven, paragraph (1). Section nineteen. Section twenty to "passing of this Act". Section twenty-one to "passing of this Act". Section twenty-two, paragraph (6), from the commencement to "Parliament;" and the concluding paragraph from "as from the thirty-first" to the end of the section. The words "on and after the appointed day" occurring in sections twenty-five, subsection (1), twenty-six, subsection (1), and fifty-five, subsection (1). Section thirty, paragraph (1), the words "on the first Tuesday "of February in the year one thousand eight hundred and "ninety, and". Section thirty-one from "shall be such as at the first" to "subsequent elections." Section thirty-six, the words, "after the first election under this Act." Section thirty-seven, paragraph (1) to "enacted that".

Reign and Chapter.	Short Title.
52 & 53 Vict. c. 50.—*cont.*	The Local Government (Scotland) Act, 1889—*cont.* Section thirty-nine, paragraph (1) to "this Act", paragraph (3), from "to revoke" to "separate counties of Ross and Cromarty and", paragraph (4) to "resignation", and paragraph (7). Section forty, the proviso. Section forty-two to "repealed and". Section forty-four, paragraph (*a*) to "this Act", and from "or in" to "day", and paragraph (*c*). Sections forty-five to forty-eight. Section forty-nine, subsections (1) to (5), and in subsection (6) the words "of the Boundary Commissioners as in this section mentioned". Section fifty, subsections (2) and (3), in subsection (4) the words "or of any award or order made by the Commissioners", and in subsection (5) the words "or in "pursuance of any order or award of the Commissioners "under this Act." Section fifty-one, the words "after the expiry of the powers of the Boundary Commissioners". Section fifty-four, subsection (2), the words "after the first day "of January one thousand eight hundred and ninety-"three". Section fifty-six, paragraph (*b*). Section fifty-nine to "hold office" and the proviso. Section sixty, subsection (2), from "the Boundary" first occurring to "Commissioners" secondly occurring. Section seventy-three, subsection (2) from "Provided that" to "appointed day". Section eighty, to "intimated to him". Section eighty-three, subsection (1), to "shall become", and from "and shall continue" to "period he", in subsection (2) the words "after the appointed day and", and subsection (3) to "this section." Section eighty-eight. Section ninety, the words "on the appointed day, and". Section one hundred and one, subsection (1), and in subsection (2), the words "at the time of the transfer in this section mentioned". Section one hundred and three. Section one hundred and five, the definitions of "Treasury", "Bank of England", "Summary Jurisdiction Acts", and "Police Act, 1857". The words "General Provisions as to First Elections", immediately preceding section one hundred and six. Sections one hundred and six to one hundred and eighteen.
c. 53.	The Paymaster-General Act, 1889. In part, namely,— Section one, the words "Commissioners of Her Majesty's" "(in this Act referred to as the Treasury)", and "the Governor and Company of". Section two.

Reign and Chapter.	Short Title.
52 & 53 Vict. c. 54.	The Clerks of Session (Scotland) Regulation Act, 1889. In part, namely,— Preamble. Section one, to "determine, and". Section two, to "thereafter", and from "The present interim" to "ordinary clerk, and". Section three, preamble, and the words "from and after the "date at which this Act comes into operation". Section four, to "filled up, but". Section five, the words "And be it enacted that", and the words "Commissioners of Her Majesty's", twice occurring. Section six, to "Edictal Citations; and", and the words "Her heirs and successors". Section seven, the word "future". Section eight, the word "herein-after". Section nine, to "future". Section twelve, to "Act". Section fourteen, from "shall" to "eighty-nine and".
c. 55.	The Universities (Scotland) Act, 1889. In part, namely,— Preamble. Section two, from "an Act passed" to "purposes as". Section three, the definition of "The Treasury". Section four. Section five, subsection (2), to "appointed, and", the word "future", from "the Commissioners shall have power" to "additional assessors and", and from "The assessor of the Senatus Academicus" to "shall appoint, and" Section five, subsection (3), from "from and after the date" to the end of the subsection; subsection (4), from "and the said sections" to the end of the subsection. Section six, subsection (10), the words "After the expiration "of the powers of the Commission" and "after such expiration". Sections ten to thirteen, and the heading "Commissioners" immediately preceding section ten. Section fourteen, subsection (14), from "after the first" to "shall expire". Section sixteen, subsection (2). Sections seventeen to twenty. Section twenty-two. Section twenty-three to "ninety" and the words "Her heirs and successors". Section twenty-four to "eighty-nine" and the words "Her heirs and successors", "Her Majesty's" (occurring before "Works"), and "and Public Buildings" wherever so occurring. Section twenty-five from "(beginning" to "such powers". Section twenty-seven. Section twenty-nine to "ninety" and from "and shall during" to the end of the section. Section thirty-one. Section thirty-two to "be it enacted that".

Reign and Chapter.	Short Title.
52 & 53 Vict. :	
c. 56.	The Poor Law Act, 1889. In part, namely,— Section two, the preamble.
c. 58.	The Coinage Act, 1889.
c. 60.	The Preferential Payments in Bankruptcy (Ireland) Act, 1889. In part, namely,— Section three. Section four, subsection (5). Section seven, the words "at any time after the passing of this Act, and", occurring twice. Section eight.
c. 63.	The Interpretation Act, 1889. In part, namely,— Section forty-one. Schedule.
c. 67.	The Expiring Laws Continuance Act, 1889.
c. 69.	The Public Bodies Corrupt Practices Act, 1889. In part, namely,— Preamble. Section three, subsection (1).
c. 70.	The Appropriation Act, 1889.
c. 71.	The Public Works Loans Act, 1889. In part, namely,— Sections one, two, and four. Section three, to "enacted as follows", and the words "as soon as may be after the passing of this Act". Section eight, to "enacted as follows". Section nine, subsection (1). First Schedule.
c. 72.	The Infectious Disease (Notification) Act, 1889. In part, namely,— Section seventeen, the definition of "Summary Jurisdiction Acts".
c. 74.	The Steam Trawling (Ireland) Act, 1889. In part, namely,— Section six, definition of "Fisheries (Ireland) Acts".
c. 76.	The Technical Instruction Act, 1889. In part, namely,— Section one, subsection (1), paragraph (*d*), the words "the school board for its district or any part of its district or"; and the word "other"; and subsection (3). Section two, the words "school board or". Section four.
53 & 54 Vict. :	
c. 1.	The Consolidated Fund (No. 1) Act, 1890.

Reign and Chapter.	Short Title.
53 & 54 Vict. :	
c. 2.	The Crown Office Act, 1890.
	In part, namely,—
	Section one, subsections (1) and (4).
	Schedule.
c. 3.	The County Councils Association Expenses Act, 1890.
	In part, namely,—
	Preamble.
c. 4.	The Army (Annual) Act, 1890.
	In part, namely,—
	Preamble.
	Sections two to four.
	Section six.
	Schedule.
c. 5.	The Lunacy Act, 1890.
	In part, namely,—
	Section three.
	Section thirty-eight, subsection (1), from "dated after" to "this Act" where first occurring, and from "and any" to "after the commencement of this Act" and the words "such orders respectively are".
	Section one hundred and fifteen, subsection (1), the words "before the expiration of one, three and six years respectively from the commencement of this Act. and", and the word "subsequent".
	Section two hundred and seven, subsection (2).
	Section two hundred and sixty-nine, subsection (8), the words "after the commencement of this Act".
	Section three hundred and forty-two, to "Provided that".
	Fifth Schedule.
c. 6.	The South Indian Railway Purchase Act, 1890.
	In part, namely,—
	Preamble.
	Section three, the words "after the passing of this Act".
c. 8.	The Customs and Inland Revenue Act, 1890.
	In part, namely,—
	Preamble.
	Section two.
	Sections three, four, five, and six, from "on and after" to "ninety."
	Sections ten to sixteen.
	Section seventeen, subsection (2).
	Section twenty-two.
	Section twenty-four, the words "after the passing of this Act."
	Section twenty-five, subsection (1) to "Scotland," and subsection (2) to "respectively,"
	Section twenty-eight, from "shall be deemed to have been" to "eighty-six and".
	Section twenty-nine.
	Section thirty-one, subsection (1).
	Section thirty-six.
	First Schedule.
	Second Schedule.

Reign and Chapter.	Short Title.
53 & 54 Vict. :	
c. 10.	The Herring Fishery (Scotland) Act Amendment Act, 1890. In part, namely,— Preamble.
c. 11.	The Municipal Elections (Scotland) Act, 1890. In part, namely,— Preamble. Section two, the words "from and after the passing of this Act". Section three.
c. 13.	The Electric Lighting (Scotland) Act, 1890. In part, namely,— Section two, the first proviso. Section three.
c. 17.	The Public Health (Rating of Orchards) Act, 1890. In part, namely,— Preamble. Section one, to "ninety" where first occurring, and the proviso.
c. 19.	The Trustees Appointment Act, 1890. In part, namely,— Preamble. Section one, from "and the said Acts".
c. 21.	The Inland Revenue Regulation Act, 1890. In part, namely,— Section forty, to "Provided that". Section forty-one. Schedule.
c. 23.	The Chancery of Lancaster Act, 1890. In part, namely,— Preamble. Section three, to "of this Act".
c. 24.	The Deeds of Arrangement Amendment Act, 1890. In part, namely,— Section six.
c. 25.	The Barracks Act, 1890. In part, namely,— Preamble. Section seven, subsection (1) from "at any time" to "ninety-one," and the words "after that date."
c. 28.	The Consolidated Fund (No. 2) Act, 1890.
c. 30.	The Poor Law Acts (Ireland) Amendment Act, 1890. In part, namely,— Section two, subsection (1), the words "after the passing of this Act".
c. 32.	The Anglo-German Agreement Act, 1890. In part, namely,— Preamble.

Reign and Chapter.	Short Title.
53 & 54 Vict. c. 33.	The Statute Law Revision Act, 1890. In part, namely,— Sections two and five. Schedules.
c. 36.	The Removal Terms (Scotland) Act 1886 Amendment Act, 1890. In part, namely,— Section two, the words "entered into after the passing of this Act".
c. 37.	The Foreign Jurisdiction Act, 1890. In part, namely,— Section eighteen to "Provided that." Section nineteen, subsection (2). First Schedule, the entries in the fourth column, and the heading "Short Title" thereto. Third Schedule.
c. 38.	The Census (Scotland) Act, 1890.
c. 39.	The Partnership Act, 1890. In part, namely,— Section twenty-three, subsection (1) to "Act". Sections forty-eight and forty-nine. Schedule.
c. 42.	The Reserve Forces Act, 1890. In part, namely,— Preamble.
c. 43.	The Education of Blind and Deaf-Mute Children (Scotland) Act, 1890. In part, namely,— Section two from "and shall" to the end of the section.
c. 44.	The Supreme Court of Judicature Act, 1890. In part, namely,— Section one to "commencement of this Act", and from "This section" to the end of the section. Section seven from "shall commence" to "ninety, and".
c. 45.	The Police Act, 1890. In part, namely,— Section three, subsections (3) to (5). Section seventeen, subsection (7). Section twenty-four. Section twenty-seven, the preamble. Section thirty, paragraph (1), to "of this Act" and paragraph (2). Section thirty-six, to "mentioned and". Section thirty-seven. Section thirty-eight, subsection (2) from "are in this Act" to "mentioned and". Fourth Schedule.
c. 46.	The Census (Ireland) Act, 1890.

Reign and Chapter.	Short Title.
53 & 54 Vict. :	
c. 48.	The Pharmacy Act (Ireland), 1875, Amendment Act, 1890. In part, namely,— Section four. Section twelve, subsection (1) to "this Act". Section thirteen. Section fourteen, to "druggists, and," the words "this and," the word "subsequent," and from "Provided nevertheless" to the end of the section. Section fifteen, to "January, 1892."
c. 49.	The Expiring Laws Continuance Act, 1890.
c. 50.	The Public Works Loans Act, 1890.
c. 51.	The Statute Law Revision (No. 2) Act, 1890. In part, namely,— Schedule.
c. 52.	The Railways (Ireland) Act, 1890. In part, namely,— Sections one to four. Section six, the definition of "the Grand Jury Acts". First Schedule. Second Schedule.
c. 54.	The Metropolis Management Act, 1862, Amendment Act, 1890. In part, namely,— Section one, to "following, viz.".
c. 55.	The Elections (Scotland) (Corrupt and Illegal Practices) Act, 1890. In part, namely,— Section twenty-eight, subsection (2), the words "after the commencement of this Act". Section twenty-eight, subsection (3), the word "High" twice occurring, and the words "of Great Britain". Section forty-seven, subsection (1), the words "from time to time". Section fifty-three, and the heading prefixed thereto. Section fifty-four, and the words "Commencement, and" in the heading prefixed thereto.
c. 56.	The Customs Consolidation Act, 1876, Amendment Act, 1890. In part, namely,— Preamble. Section two, paragraph (*a*), the words "the Lords Commissioners of".
c. 57.	The Tenants Compensation Act, 1890. In part, namely,— Preamble.
c. 58.	The Parliamentary Registration Expenses (Ireland) Act, 1890. In part, namely,— Section one, subsection (2), the words "from time to time". Subsection (4), from "but, as regards" to "ninety," where last occurring and the words "after that date".

Reign and Chapter.	Short Title.
53 & 54 Vict. :	
c. 60.	The Local Taxation (Customs and Excise) Act, 1890. In part, namely,— Preamble. Section two, paragraph (iii), from "diminished" to "1890, and".
c. 61.	The Census (England and Wales) Act, 1890.
c. 63.	The Companies (Winding-up) Act, 1890. In part, namely,— Sections thirty-three and thirty-four. Second Schedule.
c. 66.	The Metropolis Management Amendment Act, 1890. In part, namely,— Section six, the words "after the passing of this Act". Section ten.
c. 67.	The Police (Scotland) Act, 1890. In part, namely,— Section seventeen, subsection (1), paragraph (*a*) and in paragraph (*b*) the word "subsequent", subsection (2) from "(after" to "this Act)", and subsection (7). Section twenty-seven, paragraphs (1) and (5). Section twenty-eight, the preamble, paragraph (2), the words "after the commencement of this Act", paragraph (3), from "forthwith" to "this Act." Section thirty, the definition of "Police (Scotland) Act, 1857." Section thirty-two, to "mentioned and." Section thirty-three. Fourth Schedule.
c. 69.	The Settled Land Act, 1890. In part, namely,— Section two, from "and may" to the end of the section. Section ten, subsection (1).
c. 70.	The Housing of the Working Classes Act, 1890. In part, namely,— Section eight, subsection (1) from "if it relates" to "place", and in subsection (2) the words "Secretary of State or" and "according to the circumstances of the case." Section forty-six, subsection (4). Section fifty-seven, subsection (1), from "and a Secretary of State" to the end of the subsection. Section one hundred and two to "Provided that". Seventh Schedule.
c. 71.	The Bankruptcy Act, 1890. In part, namely,— Preamble. Section twenty-seven, subsection (1). Sections twenty-nine and thirty. Schedule.
c. 72.	The Appropriation Act, 1890.

Reign and Chapter.	Short Title.
54 & 55 Vict. :	
c. 1.	The Seed Potatoes Supply (Ireland) Act, 1890.
c. 2.	The Transfer of Railways (Ireland) Act, 1890. In part, namely,— Section sixteen, the words "from time to time," where first occurring, and the words "and from time to time revoke or amend any such rule".
c. 4.	The Technical Instruction Act, 1891. In part, namely,— Sections two and three.
c. 5.	The Army (Annual) Act, 1891. In part, namely,— Preamble. Sections two and three. Schedule.
c. 6.	The Consolidated Fund (No. 1) Act, 1891.
c. 7.	The Seed Potatoes Supply (Ireland) Act, 1891.
c. 8.	The Tithe Act, 1891. In part, namely,— Section ten, subsection (1), from "shall extend" to "that day and," and from "to sums" to "this Act, nor," and the words "shall it extend". Section eleven. Section twelve, subsections (4) and (5), subsection (3) to "cited as" first occurring, and the words "and that Act".
c. 9.	The Registration of Certain Writs (Scotland) Act, 1891. In part, namely,— Preamble. Section one, subsection (1), and subsection (4) from "or except" to the end of the subsection.
c. 12.	The Railway and Canal Traffic (Provisional Orders) Amendment Act, 1891. In part, namely,— Preamble.
c. 13.	The Taxes (Regulation of Remuneration) Act, 1891. In part, namely,— The words "as respects the year commencing on the sixth "day of April, one thousand eight hundred and ninety-one, "and any subsequent year" occurring in sections one and five.
c. 18.	The Registration of Electors Act, 1891. In part, namely,— Preamble.
c. 20.	The Pollen Fisheries (Ireland) Act, 1891. In part, namely,— Preamble. Section three, to "this Act."

Reign and Chapter.	Short Title.
54 & 55 Vict. :	
c. 21.	The Savings Banks Act, 1891. In part, namely,— Section two, subsection (2), from "The persons so named" to the end of the subsection. Section ten, the words "after the commencement of this Act" occurring in paragraphs (*a*), (*b*) and (*c*). Section eleven, to "enacted as follows". Section eighteen. First Schedule. Second Schedule.
c. 24.	The Public Accounts and Charges Act, 1891. In part, namely,— Section one, subsection (1), from "and the Act," to the end of the subsection. Section three from "and shall" to the end of the section. Section five, from "from and after" to "preachership" and from "and that" to the end of the section. Schedule.
c. 25.	The Customs and Inland Revenue Act, 1891. The whole Act so far as unrepealed.
c. 26.	The Russian Dutch Loan Act, 1891.
c. 27.	The Consolidated Fund (No. 2) Act, 1891.
c. 28.	The Branding of Herrings (Northumberland) Act, 1891. In part, namely,— Preamble.
c. 29.	The Presumption of Life Limitation (Scotland) Act, 1891. In part, namely,— Section two.
c. 30.	The Law Agents and Notaries Public (Scotland) Act, 1891. In part, namely,— Section five to "repealed and".
c. 33.	The Allotments Rating Exemption Act, 1891. In part, namely,— Preamble. Section one, to "ninety-one" where first occurring, and from "Provided" to the end of the section.
c. 34.	The Local Authorities Loans (Scotland) Act, 1891. In part, namely,— Section three.
c. 36.	The Consular Salaries and Fees Act, 1891. In part, namely,— Section four, the proviso.
c. 37.	The Fisheries Act, 1891. In part, namely,— Section six, subsection (4). Section twelve, subsections (1), (3), (4) and (5), and subsection (2), to "this section".

Reign and Chapter.	Short Title.
54 & 55 Vict.:	
c. 38.	The Stamp Duties Management Act, 1891. In part, namely,— Section twenty-eight to "Provided that". Section twenty-nine. Schedule.
c. 39.	The Stamp Act, 1891. In part, namely,— Section one hundred and twenty-three. Third Schedule.
c. 40.	The Brine Pumping (Compensation for Subsidence) Act, 1891. In part, namely,— Section fifty-one.
c. 44.	The Trusts (Scotland) Amendment Act, 1891. In part, namely,— Preamble.
c. 46.	The Post Office Act, 1891. In part, namely,— Section one, the words "made after the passing of this Act". Section two, subsection (2) to "unstitched, but", and subsection (3). Section thirteen. Schedule.
c. 47.	The Metalliferous Mines (Isle of Man) Act, 1891. In part, namely,— Preamble.
c. 48.	The Purchase of Land (Ireland) Act, 1891. In part, namely,— Section one, subsection (1), the words "after the commencement of this Act". Section fifteen, subsection (8), the words "Scotland and". Section thirty-nine, subsection (1), paragraph (c), from "and for the purposes" to the end of that paragraph. Section forty-one, the words "after the year one thousand eight hundred and ninety-one". Section forty-three, subsection (1). Third Schedule.
c. 50.	The Commissioners for Oaths Act, 1891. In part, namely,— Preamble.
c. 51.	The Slander of Women Act, 1891. In part, namely,— Section one, the words "after the passing of this Act".
c. 52.	The Public Health (Scotland) Amendment Act, 1891. In part, namely,— Preamble.

Reign and Chapter.	Short Title.
54 & 55 Vict. :	
c. 53.	The Supreme Court of Judicature Act, 1891. In part, namely,— Section two, from "without prejudice" to "Act". Section four, to "as follows".
c. 55.	The Appropriation Act, 1891.
c. 56.	The Elementary Education Act, 1891. In part, namely,— Section one, the words "after the commencement of this Act". Sections eleven and twelve. Schedule.
c. 59.	The Public Works Loans Act, 1891. In part, namely,— Sections one and two. Section three, preamble.
c. 60.	The Expiring Laws Continuance Act, 1891.
c. 64.	The Land Registry (Middlesex Deeds) Act, 1891. In part, namely,— Section three, subsection (1), the words "at the commencement of this Act" and "as from that date". Section seven. Section eight, from "and shall" to the end of the section. Second Schedule.
c. 65.	The Lunacy Act, 1891. In part, namely,— Section twenty-nine Schedule.
c. 67.	The Statute Law Revision Act, 1891. In part, namely,— Schedule.
c. 68.	The County Councils (Elections) Act, 1891. In part, namely,— Sections four and seven. Schedule.
c. 69.	The Penal Servitude Act, 1891. In part, namely,— Section one, subsection (3). Section two, subsection (3).
c. 70.	The Markets and Fairs (Weighing of Cattle) Act, 1891. In part, namely,— Preamble. Section one to "this Act". Section four, subsection (4). Schedule so far as regards England and Scotland.
c. 72.	The Coinage Act, 1891. In part, namely,— Section one, subsection (4).

Reign and Chapter.	Short Title.
54 & 55 Vict.:	
c. 73.	The Mortmain and Charitable Uses Act, 1891. In part, namely,— Section three, from "and the definition" to the end of the section.
c. 76.	The Public Health (London) Act, 1891. In part, namely,— Section one hundred and forty-two, subsection (1), subsection (2) to "beyond London," secondly occurring, and subsections (3) and (4). Section one hundred and forty-three. Fourth Schedule.
55 & 56 Vict.:	
c. 1.	The Millbank Prison Act, 1892. In part, namely,— Preamble. Section one, subsection (2). Schedule.
c. 2.	The Army (Annual) Act, 1892. In part, namely,— Preamble. Sections two and three. Schedule.
c. 3.	The Consolidated Fund (No. 1) Act, 1892.
c. 5.	The Poor Law (Ireland) Act, 1892. In part, namely,— Section two to "this Act".
c. 8.	The Hares Preservation Act, 1892. In part, namely,— Preamble.
c. 14.	The Indian Councils Act, 1892. In part, namely,— Section four to "enacted that".
c. 16.	The Customs and Inland Revenue Act, 1892.
c. 17.	The Sheriff Courts (Scotland) Extracts Act, 1892. In part, namely,— Preamble. Section one, from "and shall" to the end of the section.
c. 19.	The Statute Law Revision Act, 1892. In part, namely,— Schedule.
c. 20.	The Consolidated Fund (No. 2) Act, 1892.
c. 21.	The High Court of Justiciary (Scotland) Act, 1892. In part, namely,— Preamble.

Reign and Chapter.	Short Title.
55 & 56 Vict. c. 23.	The Foreign Marriage Act, 1892. In part, namely,— Section twenty-five. Section twenty-six, subsection (1), except paragraph (*b*) thereof. Schedule.
c. 25.	The Taxes (Regulation of Remuneration) Act, 1892. In part, namely,— Section one, subsection (1) from "as respects" to "subsequent year".
c. 31.	The Small Holdings Act, 1892. In part, namely,— Section twenty-six.
c. 32.	The Clergy Discipline Act, 1892. In part, namely,— Section twelve, the definition of "Church Discipline Act, 1840". Section fourteen, subsection (2), and the words "instituted after the commencement of this Act" in subsection (3).
c. 33.	The Appropriation Act, 1892.
c. 34.	The Naval Knights of Windsor (Dissolution) Act, 1892. In part, namely.— Preamble. Section one, subsection (1), the words "On the passing of this Act". Section three. Schedule.
c. 36.	The Forged Transfers Act, 1892. In part, namely,— Section two, the preamble.
c. 38.	The Police Returns Act, 1892. In part, namely,— Section two.
c. 40.	The Superannuation Act, 1892. In part, namely,— Section five. Section six, from "and those Acts" to the end of the section.
c. 42.	The Irish Education Act, 1892. In part, namely,— Section fifteen, subsection (2), the words "this or". Section sixteen. Section eighteen, subsection (1) to "ninety-two", and subsection (4) to "Act".
c. 43.	The Military Lands Act, 1892. In part, namely,— Section twenty-eight, to "Provided that". Schedule.

Reign and Chapter.	Short Title.
55 & 56 Vict.:	
c. 44.	The Railway and Canal Traffic Act, 1892. In part, namely,— Preamble.
c. 45.	The Land Commissioners (Ireland) Salaries Act, 1892. In part, namely,— Section two, to "shall first happen.".
c. 48.	The Bank Act, 1892. In part, namely,— Section seven, subsection (1), from "and if such" to the end of the subsection. Section eight, subsections (2) and (3). Schedule.
c. 49.	The Mauritius Hurricane Loan Act, 1892. In part, namely,— Preamble.
c. 51.	The Education and Local Taxation Account (Scotland) Act, 1892. In part, namely,— Section one, subsection (1) to "After the financial year "ending the 31st day of March one thousand eight hundred "and ninety-two." Section two, the preamble.
c. 52.	The British Columbia (Loan) Act, 1892. In part, namely,— Preamble.
c. 53.	The Public Libraries Act, 1892. In part, namely,— Section three, paragraph (1) from "Provided that" to the end of that paragraph, paragraph (3) and paragraph (6) from "in a municipal borough" to "urban authority and". Section twenty-eight, subsection (1) to "Wales; and", and subsection (2). Section thirty. Second Schedule.
c. 55.	The Burgh Police (Scotland) Act, 1892. In part, namely,— Preamble. Section two.
c. 56.	The Coroners Act, 1892. In part, namely,— Section two. Schedule.
c. 60.	The Expiring Laws Continuance Act, 1892.
c. 61.	The Public Works Loans Act, 1892. In part, namely,— Sections one and three. Section four, to "therefore." Schedule.

Reign and Chapter.	Short Title.
55 & 56 Vict. :	
c. 62.	The Shop Hours Act, 1892. In part, namely,— Preamble. Section two.
56 & 57 Vict. :	
c. 3.	The Consolidated Fund (No. 1) Act, 1893.
c. 4.	The Army (Annual) Act, 1893. In part, namely,— Preamble. Sections two and three. Section nine, subsection (8). Schedule.
c. 5.	The Regimental Debts Act, 1893. In part, namely,— Sections thirty-one and thirty-two.
c. 6.	The Police Disabilities Removal Act, 1893. In part, namely,— Preamble. Section one. Schedule.
c. 7.	The Customs and Inland Revenue Act, 1893. In part, namely,— Preamble. Sections one, four, five and six.
c. 8.	The Local Authorities Loans (Scotland) Act, 1891, Amendment Act, 1893. In part, namely,— Preamble. Section two, to "repealed and ".
c. 9.	The Municipal Corporations Act, 1893. In part, namely,— Preamble.
c. 10.	The Police Act, 1893. In part, namely,— Section eight, subsection (1) to "repealed and ".
c. 11.	The Public Libraries (Amendment) Act, 1893. In part, namely,— Section one, from "and these two" to the end of the section. Section two, subsection (2).
c. 12.	The Day Industrial Schools (Scotland) Act, 1893. In part, namely,— Preamble. Section four to "repealed and ". Section nine from "Provided" to the end of the section.
c. 13.	The Cholera Hospitals (Ireland) Act, 1893.

Reign and Chapter.	Short Title.
56 & 57 Vict. :	
c. 14.	The Statute Law Revision Act, 1893. In part, namely,— Schedule.
c. 16.	The Consolidated Fund (No. 2) Act, 1893.
c. 17.	The North Sea Fisheries Act, 1893. In part, namely,— Section ten, subsection (1). Section eleven.
c. 18.	The Treasury Chest Fund Act, 1893. In part, namely,— Section one, subsection (3).
c. 19.	The Weights and Measures Act, 1893. In part, namely,— Section three.
c. 24.	The Public Works Loans Act, 1893.
c. 25.	The Burgh Police (Scotland) Act, 1893. In part, namely,— Section two, to "repealed and ".
c. 28.	The Consolidated Fund (No. 3) Act, 1893.
c. 32.	The Barbed Wire Act, 1893. In part, namely,— Section two, the words "any highway board" and "other".
c. 35.	The Congested Districts Board (Ireland) Act, 1893. In part, namely,— Section two, subsection (4).
c. 36.	The Law of Distress and Small Debts (Ireland) Act, 1893. In part, namely,— Section two.
c. 37.	The Liverpool Court of Passage Act, 1893. In part, namely,— Preamble.
c. 39.	The Industrial and Provident Societies Act, 1893. In part, namely,— Preamble. Section two, from "shall come" to "thereof and ". Section eighty. Schedule I.
c. 40.	The Public Works Loans (No. 2) Act, 1893. In part, namely,— Section one. Section two, preamble and subsection (3). Section three. Schedule.

Reign and Chapter.	Short Title.
56 & 57 Vict. :	
c. 41.	The Irish Education Act, 1893. In part, namely,— Section one, subsection (3).
c. 42.	The Elementary Education (Blind and Deaf Children) Act, 1893. In part, namely,— Section thirteen, subsection (2). Section seventeen.
c. 44.	The Sheriff Courts Consignations (Scotland) Act, 1893. In part, namely,— The words "Commissioners of Her Majesty's" occurring in sections eight and nine.
c. 46.	The Consolidated Fund (No. 4) Act, 1893.
c. 47.	The Public Health (London) Act, 1891, Amendment Act, 1893. In part, namely,— Preamble.
c. 48.	The Reformatory Schools Act, 1893. In part, namely,— Section four, from "from the beginning" to "and the said section".
c. 49.	The County Surveyors (Ireland) Act, 1893.
c. 50.	The Light Railways (Ireland) Act, 1893. In part, namely,— Preamble.
c. 51.	The Elementary Education (School Attendance) Act, 1893. In part, namely,— Sections three and four.
c. 53.	The Trustee Act, 1893. In part, namely,— Sections fifty-one and fifty-four. Schedule.
c. 54.	The Statute Law Revision (No. 2) Act, 1893. In part, namely,— Section three. Schedules.
c. 55.	The Metropolis Management (Plumstead and Hackney) Act, 1893. In part, namely,— Preamble.
c. 59.	The Expiring Laws Continuance Act, 1893.
c. 60.	The Appropriation Act, 1893.
c. 61.	The Public Authorities Protection Act, 1893. In part, namely,— Section one, the words "after the commencement of this Act".

Reign and Chapter.	Short Title.
56 & 57 Vict.: c. 61.—*cont.*	The Public Authorities Protection Act, 1893—*cont.* Section two, from "and in particular" to the end of the section. Section four. Schedule.
c. 62.	The Madras and Bombay Armies Act, 1893. In part, namely,— Section one, subsection (3). Sections two and three. Schedule.
c. 63.	The Married Women's Property Act, 1893. In part, namely,— Section four.
c. 64.	The National Debt Redemption Act, 1893.
c. 65.	The Public Works Loans (No. 3) Act, 1893. In part, namely,— Section two.
c. 66.	The Rules Publication Act, 1893. In part, namely,— Section three, from "made after" to "this Act".
c. 69.	The Savings Bank Act, 1893. In part, namely,— Section eight. Section nine, subsections (2) and (3). Second Schedule.
c. 71.	The Sale of Goods Act, 1893. In part, namely,— Sections sixty and sixty-three. Schedule.
c. 73.	The Local Government Act, 1894. In part, namely,— The words "as from the appointed day, but" occurring in sections one, subsection (3), and nineteen. The words "As from the appointed day" occurring in sections five, subsection (2), seven, subsection (1), twenty, twenty-one, twenty-three, twenty-five, subsection (1), twenty-seven, subsections (1) and (2), and eighty-one, subsection (6). Section six, subsection (1), the words "subsequently to the passing of this Act". Section twenty-five, subsection (1), the words "and highway boards shall cease to exist," and from "Provided that," to the end of the subsection, and subsection (4) from "but until" to the end of the subsection. Section twenty-seven, subsection (1) (*f*), the words "and infant life protection". Section thirty-six, subsection (13), the words "within two years after the passing of this Act, or," the word "further," where first occurring, and the words "two years or further." Section fifty-two, subsection (2). Section sixty-two, subsection (2), the words "After the appointed day".

Reign and Chapter.	Short Title.
56 & 57 Vict. c. 73.—*cont.*	The Local Government Act, 1894—*cont.* Section seventy-eight, subsection (1). Section seventy-nine. Section eighty, subsection (1), the words "or of members of "the local board of Woolwich, or any vestry in the county "of London, or of auditors in the county of London," "or such local board or vestry as aforesaid," "or local board or vestry," "or there are no auditors under the Metropolis Management Acts, 1855 to 1890," and "local board, or vestry, or auditors," and subsection (2). Section eighty-four, subsections (1) to (3). Section eighty-nine to "mentioned, and" Second Schedule.
57 & 58 Vict.:	
c. 1.	The Consolidated Fund (No. 1) Act, 1894.
c. 2.	The Behring Sea Award Act, 1894. In part, namely,— Preamble. Section seven, to "provided that".
c. 3.	The Army (Annual) Act, 1894. In part, namely,— Preamble. Sections two, three and six. Schedule.
c. 4.	The Four Courts Library Act, 1894. In part, namely,— Preamble.
c. 5.	The County Councils Association (Scotland) Expenses Act, 1894 In part, namely,— Preamble.
c. 6.	The Quarter Sessions Act, 1894. In part, namely,— Section two.
c. 7.	The Consolidated Fund (No. 2) Act, 1894.
c. 11.	The Public Works Loans Act, 1894. In part, namely,— Sections one and two. Schedule.
c. 13.	The Arbitration (Scotland) Act, 1894. In part, namely,— Section one to "Act".
c. 15.	The Music and Dancing Licences (Middlesex) Act, 1894. In part, namely,— Section two, paragraph (1), to "ninety-four" and paragraph (12).

Reign and Chapter.	Short Title.
57 & 58 Vict. : c. 16.	The Supreme Court of Judicature (Procedure) Act, 1894. In part, namely,— Section seven, from "and shall come" to the end of the section.
c. 17.	The Colonial Officers (Leave of Absence) Act, 1894. In part, namely,— Section one, subsection (2).
c. 20.	The Public Libraries (Scotland) Act, 1894. In part, namely,— Section one, from "and these" to the end of the section. Section two, subsection (2).
c. 21.	The Bishopric of Bristol Amendment Act, 1894. In part, namely,— Preamble.
c. 23.	The Commissioners of Works Act, 1894. In part, namely,— Section one, subsection (4). Schedule.
c. 24.	The Wild Birds Protection Act, 1894. In part, namely,— The words "after the passing of this Act" in sections two and five.
c. 29.	The Consolidated Fund (No. 3) Act, 1894.
c. 30.	The Finance Act, 1894. In part, namely,— Preamble. Sections twenty-five to thirty-three. Sections thirty-seven and thirty-eight. Section forty-one, subsection (5). Third Schedule.
c. 31.	The Zanzibar Indemnity Act, 1894. In part, namely,— Preamble.
c. 32.	The Registration Acceleration Act, 1894.
c. 34.	The British Museum (Purchase of Land) Act, 1894. In part, namely,— Preamble.
c. 36.	The Valuation of Lands (Scotland) Act Amendment Act, 1894. In part, namely,— Section two, the words "for the year ending Whitsunday one "thousand eight hundred and ninety-six and subsequent "years". Section seven, the words "for the year ending Whitsunday "one thousand eight hundred and ninety-five, and sub- "sequent years".

Reign and Chapter.	Short Title.
57 & 58 Vict. :	
c. 38.	The Public Libraries (Ireland) Act, 1894. In part, namely,— Section one, subsection (9).
c. 39.	The Prize Courts Act, 1894. In part, namely,— Section three, subsection (3), from "which" to the end of the subsection. Section five.
c. 42.	The Quarries Act, 1894. In part, namely,— Section four.
c. 43.	The Crown Lands Act, 1894. In part, namely,— Section three, subsection (1) to "ninety-four" and subsection (3). Section five, subsection (1).
c. 44.	The Heritable Securities (Scotland) Act, 1894. In part, namely,— Section two from "and shall" to the end of the section. Section fourteen to "of this Act".
c. 45.	The Uniforms Act, 1894. In part, namely,— Section two, subsection (1), paragraph (*a*), and the letter "(*b*)". Section five.
c. 46.	The Copyhold Act, 1894. In part, namely,— Section one hundred, to "Provided that" Third Schedule.
c. 47.	The Building Societies Act, 1894. In part, namely,— Section two, subsection (5). Section eight, subsection (2). Section twenty-five, subsection (2). Sections twenty-eight and thirty. Second Schedule.
c. 48.	The Expiring Laws Continuance Act, 1894
c. 49.	The Jurors (Ireland) Amendment Act, 1894. In part, namely,— Preamble. Section one to "Act".
c. 50.	The Congested Districts Board (Ireland) Act, 1894. In part, namely,— Section three, subsection (4).
c. 51.	The Chimney Sweepers Act, 1894. In part, namely,— Section five.

Reign and Chapter.	Short Title.
57 & 58 Vict.:	
c. 53.	The London (Equalisation of Rates) Act, 1894. In part, namely,— Section three, subsections (1) and (3). Section four, subsection (2).
c. 54.	The Railway and Canal Traffic Act, 1894. In part, namely,— Section one, subsection (5), from "and in the case" to the end of the subsection.
c. 56.	The Statute Law Revision Act, 1894. In part, namely,— Section three. Schedules.
c. 57.	The Diseases of Animals Act, 1894. In part, namely,— Section fifty-eight. Section seventy-eight, sub-section (1). Fifth Schedule.
c. 58.	The Local Government (Scotland) Act, 1894. In part, namely,— Section three from "and from" to "exist". Section four, subsection (3). Section six, subsection (1), the words "from and after the establishment of the Board". Section seven, the words, "After the establishment of the Board". In sections fourteen and fifteen, the words "the second and subsequent" and "From and after such second election" wherever occurring. Section twenty-one, to "such day". Section forty-six the words "The words 'in the county' occurring in subsection (*e*) of" and the words "are hereby repealed, and the said section". Section forty-seven. Section fifty-two, subsection (1). Section fifty-five, to "schedule and" and the word "also". Section fifty-six. Schedule I.
c. 59.	The Appropriation Act, 1894.
c. 60.	The Merchant Shipping Act, 1894. In part, namely,— Section three hundred and seventy-three, subsection (6), from "in substitution" to the end of the subsection. Section five hundred and twenty-five, subsection (2), paragraph (*c*), from "to the Mercantile" to "Majesty and". Section six hundred and seventy-six, subsection (1), paragraph (*g*). Section seven hundred and forty-five, subsection (1), to "Provided that". Section seven hundred and forty-eight. Twenty-second Schedule.

Reign and Chapter.	Short Title.
58 & 59 Vict. :	
c. 1.	The Local Government (Scotland) Act, 1895. In part, namely,— Preamble. Section two, the preamble and the words "first or any other".
c. 2.	The Seed Potatoes Supply (Ireland) Act, 1895.
c. 4.	The Consolidated Fund (No. 1) Act, 1895.
c. 7.	The Army (Annual) Act, 1895. In part, namely,— Preamble. Sections two, three, five, and eight. Schedule.
c. 11.	The Lands Clauses (Taxation of Costs) Act, 1895. In part, namely,— Section one, subsection (2).
c. 13.	The Cruelty to Animals (Scotland) Act, 1895. In part, namely,— Preamble.
c. 14.	The Courts of Law Fees (Scotland) Act, 1895. In part, namely,— Section one, to "passing of this Act". The words "Commissioners of Her Majesty's" in sections two and four. Section four, from "and section" to the end of the section.
c. 15.	The Consolidated Fund (No. 2) Act, 1895.
c. 16.	The Finance Act, 1895. In part, namely,— Preamble. Sections one to five. Section seven, to "ninety-five". Section ten. Section thirteen, to "declared that". Sections fifteen and seventeen to nineteen. Schedule.
c. 19.	The Court of Session Consignations (Scotland) Act, 1895. In part, namely,— Section fifteen, the words "Her Majesty's" and "and Public Buildings".
c. 21.	The Seal Fisheries (North Pacific) Act, 1895 In part, namely,— Preamble. Section seven, subsections (5) and (6)
c. 22.	The Out-door Relief (Ireland) Act, 1895.

Reign and Chapter.	Short Title.
58 & 59 Vict. :	
c. 24.	The Law of Distress Amendment Act, 1895. In part, namely,— Section one, from "and so much" to the end of the section.
c. 27.	The Market Gardeners Compensation Act, 1895. In part, namely,— Section two.
c. 28.	The False Alarms of Fire Act, 1895. In part, namely,— Section five.
c. 31.	The Appropriation Act, 1895.
c. 35.	The Naval Works Act, 1895. In part, namely,— Preamble.
c. 38.	The Isle of Man (Customs) Act, 1895. In part, namely,— Section one, so far as regards spirits, tobacco, and wine. Section two. Section three. Schedule.
c. 39.	The Summary Jurisdiction (Married Women) Act, 1895. In part, namely,— Sections three and twelve. Schedule.
c. 41.	The Lands Valuation (Scotland) Amendment Act, 1895. In part, namely,— Section five, the words "From and after the commencement of this Act".
c. 42.	The Sea Fisheries Regulation (Scotland) Act, 1895. In part, namely,— Section four to "ninety-six". Section twenty-nine. Schedule.
59 Vict. Sess. 2:	
c. 1.	The Expiring Laws Continuance Act, 1895, Session 2.
c. 2.	The Public Works Loans Act, 1895, Session 2.
c. 5.	The Public Offices (Acquisition of Site) Act, 1895, Session 2. In part, namely,— Preamble.
c. 6.	The Appropriation Act, 1895, Session 2.
59 & 60 Vict. :	
c. 1.	The Local Government (Elections) Act, 1896. In part, namely,— Section two.

Reign and Chapter.	Short Title.
59 & 60 Vict. :	
c. 2.	The Army (Annual) Act, 1896. In part, namely,— Preamble. Sections two and three. Schedule.
c. 3.	The Consolidated Fund (No. 1) Act, 1896.
c. 4.	The Local Government (Elections) (No. 2) Act, 1896.
c. 6.	The Naval Works Act, 1896. In part, namely,— Preamble.
c. 7.	The Consolidated Fund (No. 2) Act, 1896.
c. 9.	The Local Government (Determination of Differences) Act, 1896. In part, namely,— Section two.
c. 10.	The Dispensary Committees (Ireland) Act, 1896.
c. 12.	The Derelict Vessels (Report) Act, 1896. In part, namely,— Section two, the words "after the passing of this Act".
c. 13.	The Incumbents of Benefices Loans Extension Act, 1896.
c. 14.	The Short Titles Act, 1896. In part, namely,— Section four. First Schedule, the entries relating to the following Acts :— 13 Geo. 1. c. 26; 13 Geo. 1. c. 30; 5 Geo. 2. c. 18; 18 Geo. 2. c. 20; 19 Geo. 2. c. 37; 29 Geo. 2. c. 36; 31 Geo. 2. c. 41; 41 Geo. 3. U.K. c. 109; 1 & 2 Geo. 4. c. 23; 3 Geo. 4. c. 91; 5 Geo. 4. c. 96; 6 Geo. 4. c. 78; 9 Geo. 4. c. 58; 2 & 3 Will. 4. c. 85; 3 & 4 Will. 4. c. 76; 3 & 4 Will. 4. c. 77; 4 & 5 Will. 4. c. 30; 6 & 7 Will. 4. c. 11; 6 & 7 Will. 4. c. 107; 6 & 7 Will. 4. c. 115; 7 Will. 4 & 1 Vict. c. 17; 1 & 2 Vict. c. 115; 1 & 2 Vict. c. 116; 2 & 3 Vict. c. 58; 3 & 4 Vict. c. 31; 10 & 11 Vict. c. 91; 11 & 12 Vict. c. 32; 12 & 13 Vict. c. 69; 15 & 16 Vict. c. 32; 16 & 17 Vict. c. 27; 16 & 17 Vict. c. 67; 16 & 17 Vict. c. 74; 19 & 20 Vict. c. 116; 23 & 24 Vict. c. 47; 24 & 25 Vict. c. 36; 24 & 25 Vict. c. 46; 25 & 26 Vict. c. 59; 26 & 27 Vict. c. 100; 27 & 28 Vict. c. 27; 27 & 28 Vict. c. 42; 28 & 29 Vict. c. 40; 28 & 29 Vict. c. 60; 30 & 31 Vict. c. 112; 34 & 35 Vict. c. 18; 37 & 38 Vict. c. 41; 37 & 38 Vict. c. 52; 38 & 39 Vict. c. 54; 39 & 40 Vict. c. 12; 39 & 40 Vict. c. 25; 39 & 40 Vict. c. 38; 40 & 41 Vict. c. 17; 41 & 42 Vict. c. 24; 43 & 44 Vict. c. 1.

Reign and Chapter.	Short Title.
59 & 60 Vict. c. 14.—*cont.*	The Short Titles Act, 1897—*cont.* Second Schedule, the entries relating to the following groups of Acts :— The Factory and Workshop Acts, 1878 to 1895. The Friendly Societies Acts, 1875 to 1895. The Justices Qualification Acts, 1731 to 1875. The Licensing (Scotland) Acts, 1828 to 1887. The Open Spaces Acts, 1877 to 1890.
c. 15.	The Diseases of Animals Act, 1896. In part, namely,— Section one, subsection (2). Section two.
c. 16.	The Agricultural Rates Act, 1896. In part, namely,— Section seven, subsection (1). Schedule from "school" to the end of the schedule.
c. 18.	The Fisheries (Norfolk and Suffolk) Act, 1896. In part, namely,— Section one, subsection (1), from "and of," to "of Suffolk".
c. 19.	The Public Health Act, 1896. In part, namely,— Sections three, six, and seven. Schedule.
c. 21.	The Liverpool Court of Passage Act, 1896. In part, namely,— Preamble. Section one, the words "and whenever at any time after the passing of this Act".
c. 23.	The Public Offices (Westminster) Site Act, 1896. In part, namely,— Preamble.
c. 24.	The Edinburgh General Register House Act, 1896. In part, namely,— Preamble.
c. 25.	The Friendly Societies Act, 1896. In part, namely,— The words "continue to" wherever occurring in sections one, two, and four. Section one hundred and seven. Section one hundred and eight, from "shall come" to "and". Third Schedule.
c. 26.	The Collecting Societies and Industrial Assurance Companies Act, 1896. In part, namely,— Section eighteen. Section nineteen, from "shall come" to "and". Schedule.

Reign and Chapter.	Short Title.
60 Vict. :	
c. 28.	The Finance Act, 1896. In part, namely,— Preamble. Section one. The words "on and after the first day of July one thousand eight hundred and ninety-six" and "on and after that day", in sections two, three, and eight. Section three, the words "on and after the same day". Section nine, the words "after the thirtieth day of June one thousand eight hundred and ninety-six". Section twenty-five. Section twenty-six, subsection (3). Section twenty-nine. Section thirty-seven, preamble. Section forty. Schedule.
c. 29.	The Bishopric of Bristol Amendment Act, 1896. In part, namely,— Preamble.
c. 30.	The Conciliation Act, 1896. In part, namely,— Section seven.
c. 31.	The Housing of the Working Classes Act, 1890 Amendment (Scotland) Act, 1896. In part, namely,— Section four.
c. 33.	The Royal Naval Reserve Volunteer Act, 1896. In part, namely,— Section one, subsection (2).
c. 35.	The Judicial Trustee Act, 1896. In part, namely,— Section six, subsection (4).
c. 36.	The Locomotives on Highways Act, 1896. In part, namely,— Section eight, subsection (1), to "this Act". Section twelve, from "and shall" to the end of the section.
c. 37.	The Agricultural Rates, Congested Districts, and Burgh Land Tax Relief (Scotland) Act, 1896. In part, namely,— Section three, subsection (2). Section eight.
c. 39.	The Expiring Laws Continuance Act, 1896.
c. 41.	The Local Taxation (Ireland) Estate Duty Act, 1896.
c. 42.	The Public Works Loans Act, 1896. In part, namely,— Sections one, four, and five. Schedule.

Reign and Chapter.	Short Title.
59 & 60 Vict. :	
c. 44.	The Truck Act, 1896. In part, namely,— Section eleven.
c. 45.	The Stannaries Court (Abolition) Act, 1896. In part, namely,— Section one, subsection (1), the words "On the commencement of this Act," "except for the purpose of continuing "and concluding proceedings pending in that court at that "date," "as from that date," and "except as aforesaid," and subsection (2), paragraph (*b*). Sections five and six. Schedule.
c. 46.	The Appropriation Act, 1896.
c. 47.	The Land Law (Ireland) Act, 1896. In part, namely,— Section twenty. Section twenty-three, subsection (6). Section fifty, subsection (1). Section fifty-two. Second Schedule.
c. 48.	The Light Railways Act, 1896. In part, namely,— Section one, subsection (8). Section twenty-six, subsection (2), the words "or where there is no town council the police commissioners" and "the commissioners of any."
c. 49.	The Law Agents (Scotland) Act Amendment Act, 1896. In part, namely,— Section two, to "this Act". Section three, to "this Act". Section four, to "this Act".
c. 50.	The Poor Law Officers' Superannuation Act, 1896. In part, namely,— Section one, from "and shall" to the end of the section. Section twenty, to "qualification that". Schedule.
c. 53	The Labourers (Ireland) Act, 1896. In part, namely,— Sections nine, eleven and twelve. Schedule.
c. 54.	The Public Health (Ireland) Act, 1896. In part, namely,— Section twenty-nine. Section thirty-two, the proviso.
c. 55.	The Quarter Sessions (London) Act, 1896. In part, namely,— Preamble.

Reign and Chapter.	Short Title.
59 & 60 Vict. :	
c. 56.	The Wild Birds Protection Act, 1896. In part, namely,— Section one, the words "From and after the passing of this Act".
c. 57.	The Burglary Act, 1896. In part, namely,— Section two, subsection (1).
c. 58.	The West Highland Railway Guarantee Act, 1896. In part, namely,— Preamble.
c. 59.	The Baths and Washhouses Act, 1896. In part, namely,— Preamble. Section two, to "this Act".
60 & 61 Vict. :	
c. 1.	The Local Government Act, 1897. In part, namely,— Section three.
c. 3.	The Army (Annual) Act, 1897.
c. 4.	The Consolidated Fund (No. 1) Act, 1897.
c. 5.	The Voluntary Schools Act, 1897. In part, namely,— Section two. Section four, from "Any" to "Department".
c. 7.	The Military Works Act, 1897. In part, namely,— Preamble.
c. 8.	The Trusts (Scotland) Act, 1897. In part, namely,— Section two, to "follows, viz. :—"
c. 9.	The Archdeaconry of Cornwall Act, 1897. In part, namely,— Preamble. Section one, to "this Act".
c. 10.	The East India Company's Officers' Superannuation Act, 1897.
c. 11.	The Regular and Elders' Widows' Funds Act, 1897. In part, namely,— Preamble. Section one, to "this Act". Section three, to "cease and". Section four, to "passing of this Act" and the words 'prior to the passing of this Act". Section five, to "date".

Reign and Chapter.	Short Title.
60 & 61 Vict. : c. 12.	The Railway Assessors (Scotland) Superannuation Act, 1897. In part, namely,— Section one, to "this Act".
c. 13.	The Edinburgh University (Transfer of Patronage) Act, 1897. In part, namely,— Section one, to "this Act" and the words "be transferred to and in all time coming" (twice occurring), "presently " exercised by Her Majesty Her heirs and successors in " right of Her Crown" and "presently exercised by the said curators".
c. 17.	The Supreme Court of Judicature (Ireland) Act, 1897. In part, namely,— Section one, the words "after the passing of this Act".
c. 21.	The Mersey Channels Act, 1897. In part, namely,— Section three.
c. 22.	The Market Gardeners' Compensation (Scotland) Act, 1897. In part, namely,— Section two, from " and shall " to the end of the section.
c. 23.	The Extraordinary Tithe Act, 1897. In part, namely,— Preamble.
c. 24.	The Finance Act, 1897. In part, namely,— Preamble. Section one. Section two, from "and the words" to the end of the section. Section three, paragraph (*a*), from "instead" to "1896" and paragraph (*c*). Section four. Section five, subsection (3).
c. 25.	The Patent Office (Extension) Act, 1897. In part, namely,— Preamble.
c. 26.	The Metropolitan Police Courts Act, 1897. In part, namely,— Section two, subsection (1). Sections nine and ten. Schedule.
c. 27.	The Public Offices (Whitehall) Site Act, 1897. In part, namely,— Preamble.
c. 28	The Poor Law Officers' Superannuation Act Amendment Act, 1897. In part, namely,— Section one, from "Any female nurse" (secondly occurring) to "of the said Act".

Reign and Chapter.	Short Title.
60 & 61 Vict. :	
c. 29.	The Poor Law Act, 1897. In part, namely,— Section three. Schedule.
c. 30.	The Police (Property) Act, 1897. In part, namely,— Section two, subsection (5), the words "the passing of this Act or". Section three, subsection (3).
c. 31.	The Cleansing of Persons Act, 1897. In part, namely,— Section one, to "passing of this Act".
c. 33.	The Isle of Man (Church Building and New Parishes) Act, 1897. In part, namely,— Preamble.
c. 36.	The Out-door Relief (Ireland) Act, 1897.
c. 38.	The Public Health (Scotland) Act, 1897. In part, namely,— Section two, from "and shall" to the end of the section. Section one hundred and ninety-six, to "schedule and", and the word "also". First Schedule.
c. 39.	The Yorkshire (Coroners) Act, 1897. In part, namely,— Section one, the proviso. Sections two and three.
c. 46.	The Weights and Measures Act (Metric System), 1897. In part, namely,— Section two, subsection (2), from "and as from" to the end of the subsection.
c. 51.	The Public Works Loans Act, 1897. In part, namely,— Section three. Section four, subsection (1) and subsection (2), to "said day". Sections six to nine. Section twelve, subsection (4). Schedules.
c. 54.	The Expiring Laws Continuance Act, 1897.
c. 55.	The Wicklow Harbour Advances Act, 1897. In part, namely,— Preamble. Section one. In sections six and seven, the words "after the date of consolidation" wherever occurring. Section ten, to "consolidation" and from "and these latter" to the end of the section.

Reign and Chapter.	Short Title.
60 & 61 Vict. : c. 56.	The Metropolis Water Act, 1897. In part, namely,— Section six, subsection (2).
c. 57.	The Infant Life Protection Act, 1897. In part, namely,— Sections eighteen and nineteen.
c. 60.	The Chaff-cutting Machines Accidents Act, 1897. In part, namely,— Section seven.
c. 61.	The Merchant Shipping (Exemption from Pilotage) Act, 1897. In part, namely,— Section one, the words "as from the first day of July one thousand eight hundred and ninety-eight".
c. 62.	The Education (Scotland) Act, 1897. In part, namely,— Preamble. Section one, proviso.
c. 64.	The Constabulary (Ireland) Act, 1897.
c. 66.	The Supreme Court of Judicature (Ireland) (No. 2) Act, 1897. In part, namely,— Section two. Section three, to "judge of" and the words "shall be abolished and that Court". Section five, to "office of Judge of" and the words "that office shall not be filled and that Division" and "then". Section six, the words "now pending or hereafter arising". Section sixteen. Schedule.
c. 67.	The Appropriation Act, 1897.
61 & 62 Vict. : c. 1.	The Army (Annual) Act, 1898. In part, namely,— Preamble. Sections two and three. Schedule.
c. 2.	The Registration (Ireland) Act, 1898. In part, namely,— Preamble.
c. 3.	The Consolidated Fund (No. 1) Act, 1898.
c. 4.	The Greek Loan Act, 1898. In part, namely,— Preamble.
c. 6.	The Special Juries Act, 1898. In part, namely,— Section one, subsection (1)

Reign and Chapter.	Short Title.
61 & 62 Vict.:	
c. 7.	The Bail Act, 1898. In part, namely,— Preamble.
c. 10.	The Finance Act, 1898. In part, namely,— Preamble. Section one, the words "on and after the sixteenth day of May, one thousand eight hundred and ninety-eight" twice occurring. Sections three and seven. Section sixteen, to "repealed and". Section eighteen. Schedule.
c. 16.	The Canals Protection (London) Act, 1898. In part, namely,— Section six.
c. 17.	The Solicitors (Ireland) Act, 1898. In part, namely,— Section three. Section six, to "commencement of this Act". Section eight, from "the year" to "ninety-nine and in", and the word "succeeding". Section sixty-three to "ninety-nine".
c. 19.	The Poor Law Unions' Association (Expenses) Act, 1898. In part, namely,— Preamble. Section two.
c. 21.	The Poor Law (Scotland) Act, 1898. In part, namely,— Section one, to "From and after the commencement of this Act" and the words "either before or after, or partly before and partly after the commencement of this Act," and the proviso. Section ten, from "shall come" to "ninety-eight and".
c. 22.	The Statute Law Revision Act, 1898. In part, namely,— Section three. Schedule.
c. 24.	The Greenwich Hospital Act, 1898. In part, namely,— Section two. Section three, from "and the" to the end of the section.
c. 25.	The Pharmacy Acts Amendment Act, 1898. In part, namely,— Section eight. Schedule.

Reign and Chapter.	Short Title.
61 & 62 Vict. :	
c. 27.	The Isle of Man (Customs) Act, 1898. In part, namely,— Section one, subsection (2).
c. 29.	The Locomotives Act, 1898. In part, namely,— Section twelve, subsection (2). Section eighteen, subsection (1), and subsection (2), from "or for a period" to "such enactment". Section twenty-one. Schedule.
c. 30.	The Pauper Children (Ireland) Act, 1898. In part, namely,— Section six.
c. 31.	The Metropolitan Police Courts Act, 1898. In part, namely,— Section two, from "and shall" to the end of the section.
c. 32.	The Consolidated Fund (No. 2) Act, 1898.
c. 36.	The Criminal Evidence Act, 1898. In part, namely,— Section seven, subsection (2).
c. 37.	The Local Government (Ireland) Act, 1898. In part, namely,— Section two, subsection (3) the words "after the first election". Section nine, subsection (5) from "; and the powers", to the end of the subsection. Section fourteen, subsection (1), to "heretofore and", subsection (2), from "and the powers", to the end of the subsection. Section fifteen, subsection (13). Section twenty-four to "ninety-nine". Section thirty, from "and those" to the end of the section. Section thirty-two, from "and section three" to the end of the section. Section thirty-eight. Section forty-two, subsection (2). Section forty-eight, subsection (1), to "repealed and" and subsection (3). Section fifty-five, the words "After the appointed day". Section fifty-eight, subsection (1), to "passing of this Act", and subsection (2) to "cease". Section sixty-six, to "Local Government Board" where first occurring. Sections one hundred and four to one hundred and seven. Section one hundred and ten, subsection (2), to "Provided that". Sections one hundred and eleven to one hundred and fourteen, and one hundred and twenty. Section one hundred and twenty-two, subsection (1). Section one hundred and twenty-three. Fourth, Fifth, and Sixth Schedules.

Reign and Chapter.	Short Title.
61 & 62 Vict. :	
c. 39.	The Vagrancy Act, 1898. In part, namely,— Section two, from "and shall" to the end of the section.
c. 40.	The Circuit Clerks (Scotland) Act, 1898. In part, namely,— Section one. Section two, the words "by the existing circuit clerk of Justiciary, and," "for the time being," and "(as regards the first and second assistant clerks of Justiciary)". Section three to "Provided always that".
c. 41.	The Prison Act, 1898. In part, namely,— Section twelve, the words "passed after the commencement of this Act". Sections thirteen and fifteen. Section sixteen, subsection (2). Schedule.
c. 42.	The Trusts (Scotland) Act, 1898. In part, namely,— Preamble.
c. 44.	The Merchant Shipping (Mercantile Marine Fund) Act, 1898. In part, namely,— Section one, subsection (1), the words "As from the commencement of this Act", and subsection (3) to "Fund, and" and the words "existing at the commencement of this Act". Section two, the words "after the commencement of this Act" wherever occurring. Section five, subsection (1), the words "On and after the commencement of this Act". Sections six and eight. Section nine, subsection (3). Fourth Schedule.
c. 46.	The Revenue Act, 1898. In part, namely,— Section seven, subsection (3). Section fourteen, the last paragraph of subsection (5). Section fifteen, subsection (5). Sections seventeen and nineteen. Schedule.
c. 47.	The Expiring Laws Continuance Act, 1898.
c. 48.	The Benefices Act, 1898. In part, namely,— Section twelve, the words "at the commencement of this Act", and "as from that date". Section fourteen.

Reign and Chapter.	Short Title.
61 & 62 Vict. :	
c. 49.	The Vaccination Act, 1898. In part, namely,— Section one, subsection (1), from "instead of" to the end of the subsection. Section nine. Section ten, subsection (2). Schedule.
c. 50.	The Seed Supply and Potato Spraying Act, 1898.
c. 51.	The Out-door Relief (Ireland) Act, 1898.
c. 54.	The Public Works Loans Act, 1898. In part, namely,— Sections one and two. Schedule.
c. 55.	The Universities and College Estates Act, 1898. In part, namely,— Section eight, subsections (1) and (2). Fourth Schedule.
c. 56.	The Local Taxation Account (Scotland) Act, 1898. In part, namely,— Section one, subsection (2).
c. 57.	The Elementary School Teachers (Superannuation) Act, 1898 In part, namely,— Section fourteen.
c. 58.	The Marriage Act, 1898. In part, namely,— Section three.
c. 60.	The Inebriates Act, 1898. In part, namely,— Section thirteen, the words "As from the commencement of this Act". Sections twenty-eight and twenty-nine. Second Schedule.
c. 61.	The Appropriation Act, 1898.
c. 62.	The University of London Act, 1898. In part, namely,— Preamble. Sections one to three.
62 & 63 Vict. :	
c. 1.	The Partridge Shooting (Ireland) Act, 1899. In part, namely,— Preamble.
c. 2.	The Consolidated Fund (No. 1) Act, 1899.

Reign and Chapter.	Short Title.
62 & 63 Vict. :	
c. 3.	The Army (Annual) Act, 1899. In part, namely,— Sections two and three. Section four, subsection (2). Section six. Schedule.
c. 7.	The Metropolis Water Act, 1899. In part, namely,— Section three.
c. 8.	The Infectious Disease (Notification) Extension Act, 1899. In part, namely,— Section one, subsection (1), the words "after the commencement of this Act" and from "whether" to the end of the section and subsection (2). Section three, subsections (2) and (3). Schedule.
c. 9.	The Finance Act, 1899. In part, namely,— Preamble. Section one. Section two, the words "as from the fourteenth day of April one thousand eight hundred and ninety-nine". Section three, the words "as from the thirteenth day of May one thousand eight hundred and ninety-nine". Section fifteen. Section seventeen, subsection (6).
c. 10.	The Parish Councillors (Tenure of Office) Act, 1899. In part, namely,— Preamble. Section one, subsection (1).
c. 11.	The Fine or Imprisonment (Scotland and Ireland) Act, 1899. In part, namely,— Section four.
c. 12.	The Reformatory Schools Act, 1899. In part, namely,— Preamble.
c. 13.	The Elementary Education (School Attendance) Act (1893) Amendment Act, 1899. In part, namely,— Section one, to "nine hundred" and from "Provided that nothing" to "obligation to attend school".
c. 14.	The London Government Act, 1899. In part, namely,— Section three, subsection (1), and in subsection (4), the words "after the year one thousand nine hundred". Section four, subsection (1), the words "On the appointed day" and "as from the appointed day", subsection (2), from "and where" to the end of the subsection, and in subsection (4) the words "adopted before the appointed day".

Reign and Chapter.	Short Title.
62 & 63 Vict.: c. 14.—*cont.*	The London Government Act, 1899—*cont.* The words "As from the appointed day" occurring in section five, subsections (1) and (2), section six, subsection (1), and section twenty-three, subsection (3). The words "After the appointed day" wherever occurring in section ten, subsection (2), section eleven, and section fourteen. Section twenty-seven, subsection (1), the word "and" in paragraph (*a*), and paragraphs (*b*), and (*c*), and subsections (3) and (4). Section thirty-one, subsection (5). Section thirty-three, subsection (1). Section thirty-five, subsection (2). Third Schedule.
c. 17.	The Tithe Rentcharge (Rates) Act, 1899. In part, namely,— Section four, from "after the" to "ninety-nine and".
c. 18.	The Congested Districts Board (Ireland) Act, 1899. In part, namely,— Section four, subsection (2). Section five, the words "as from the first day of October one thousand eight hundred and ninety-nine".
c. 21.	The Shop Assistants Act, 1899. In part, namely,— Section three.
c. 23.	The Anchors and Chain Cables Act, 1899. In part, namely,— Section twenty, to "Provided that" and the words "Order in Council". Third Schedule.
c. 26.	The Metropolitan Police Act, 1899. In part, namely,— Section one, subsections (3) to (5). Schedule.
c. 29.	The Baths and Washhouses Act, 1899. In part, namely,— Preamble.
c. 30.	The Commons Act, 1899. In part, namely,— Section twenty-one, to "repealed and". Section twenty-three, to "Provided that" Second Schedule.
c. 31.	The Public Works Loans Act, 1899. In part, namely,— Sections one to four. Schedule.

Reign and Chapter.	Short Title.
62 & 63 Vict. :	
c. 33.	The Board of Education Act, 1899. In part, namely,— Section one, subsections (3) and (5). Section eight, subsection (2), to "Council on Education". Section nine, subsection (2). Schedule.
c. 34.	The Expiring Laws Continuance Act, 1899.
c. 37.	The Poor Law Act, 1899. In part, namely,— Section one, the words "(which subsections are hereby repealed)".
c. 39.	The Isle of Man (Customs) Act, 1899. In part, namely,— Section one, subsection (2).
c. 43.	The Royal Niger Company Act, 1899. In part, namely,— Preamble. Section one. Section two, subsection (3), to "this Act and".
c. 46.	The Improvement of Land Act, 1899. In part, namely,— Section five, subsection (1). Section eight. Section nine, subsection (1). Second Schedule.
c. 48.	The Lincolnshire Coroners Act, 1899. In part, namely,— Section one, the proviso. Sections two and three.
c. 49.	The Appropriation Act, 1899.
c. 50.	The Agriculture and Technical Instruction (Ireland) Act, 1899. In part, namely,— Section two, subsection (1), paragraph (*b*), the words "and the Fertilisers and Feeding Stuffs Act, 1893". Section three, subsection (1), to "*powers and duties of*", *and* the words "*those Inspectors*" *where first occurring.* Section fifteen, paragraph (*a*), *the words "to the Commissioners of National Education", and the proviso to* paragraph (*b*). Sections thirty-two and thirty-five. Second Schedule.
c. 51.	The Sale of Food and Drugs Act, 1899. In part, namely,— Section six, subsection (3). Section eight, the proviso. Sections thirteen and twenty-seven. Section twenty-eight, subsection (2). Schedule.

Reign and Chapter.	Short Title.
63 Vict. Sess. 2. c. 1.	The Appropriation Act, 1899, Session 2.
c. 2.	The Treasury Bills Act, 1899.
63 & 64 Vict. : c. 1.	The Consolidated Fund (No. 1) Act, 1900.
c. 2.	The War Loan Act, 1900. In part, namely,— Preamble.
c. 3.	The Consolidated Fund (No. 2) Act, 1900.
c. 4.	The Census (Great Britain) Act, 1900. In part, namely,— The whole Act except section nine, section eleven, subsection (3), section twelve, subsection (1), and section thirteen.
c. 5.	The Army (Annual) Act, 1900. In part, namely,— Preamble. Sections two and three. Schedule.
c. 6.	The Census (Ireland) Act, 1900. In part, namely,— The whole Act except section seven, subsection (3), and section nine.
c. 7.	The Finance Act, 1900. In part, namely,— Preamble. Section one. Sections fifteen to eighteen. Schedules.
c. 8.	The Electoral Disabilities (Military Service) Removal Act, 1900.
c. 9.	The Police Reservists (Allowances) Act, 1900.
c. 14.	The Colonial Solicitors Act, 1900. In part, namely,— Section seven, subsections (2) and (3). Schedule.
c. 15.	The Burial Act, 1900. In part, namely,— Section twelve. Section thirteen, subsection (2). Second Schedule.
c. 18.	The County Surveyors (Ireland) Act, 1900. In part, namely,— Section one, subsection (2).

Reign and Chapter.	Short Title.
63 & 64 Vict.:	
c. 19.	The Land Registry (New Buildings) Act, 1900. In part, namely,— Preamble.
c. 20.	The Ecclesiastical Assessments (Scotland) Act, 1900. In part, namely,— Section five, from "and shall" to the end of the section.
c. 21.	The Mines (Prohibition of Child Labour Underground) Act, 1900. In part, namely,— Section one, subsection (2).
c. 24.	The Veterinary Surgeons Amendment Act, 1900. In part, namely,— Preamble. Section two, to "and one" and the word "now"
c. 26.	The Land Charges Act, 1900. In part, namely,— Section one, subsection (3). Section four, the words "From and after the passing of this Act". Section five. Section six, subsection (2). Schedule.
c. 30.	The Beer Retailers' and Spirit Grocers' Retail Licences (Ireland) Act, 1900. In part, namely,— Preamble. Section four, subsection (2).
c. 31.	The Isle of Man (Customs) Act, 1900. In part, namely,— Section one, the words and figures "Tea - the lb. 0 0 2". Section two, the words "as from the eighth day of March, nineteen hundred" and "as from the said eighth day of March nineteen hundred". Section three.
c. 36.	The Public Works Loans Act, 1900. In part, namely,— Sections one to three. Schedule.
c. 37.	The Expiring Laws Continuance Act, 1900.
c. 43.	The Intermediate Education (Ireland) Act, 1900. In part, namely,— Section six.

Reign and Chapter.	Short Title.
63 & 64 Vict. :	
c. 48.	The Companies Act, 1900. In part, namely,— Section twenty, from "and the words" to the end of the section. Section thirty-three, subsection (1). Section thirty-five. Schedule.
c. 49.	The Town Councils (Scotland) Act, 1900. In part, namely,— Preamble. Sections two and three. First Schedule.
c. 50.	The Agricultural Holdings Act, 1900. In part, namely,— Sections twelve and thirteen. Third Schedule.
c. 51.	The Money Lenders Act, 1900. In part, namely,— Section seven, subsection (2).
c. 53.	The Elementary Education Act, 1900. In part, namely,— Section eight. Schedule.
c. 54.	The Lunacy Board (Scotland) Salaries and Clerks Act, 1900. In part, namely,— Section one, to "Act". Section two.
c. 56.	The Military Lands Act, 1900. In part, namely,— Section two, subsection (6).
c. 57.	The Appropriation Act, 1900.
c. 58.	The Tithe Rentcharge (Ireland) Act, 1900. In part, namely,— Section twelve. Schedule.
c. 59.	The Housing of the Working Classes Act, 1900. In part, namely,— Section two, subsection (3). Section five, subsection (1), the proviso. Section seven, the proviso. Schedule.
c. 61.	The Supplemental War Loan Act, 1900. In part, namely,— Preamble.

Reign and Chapter.	Short Title.
63 & 64 Vict. : c. 63.	The Local Government (Ireland) Act, 1900. In part, namely,— Section eleven, subsection (2).
64 Vict. Sess. 2: c. 1.	The Supplemental War Loan (No. 2) Act, 1900. In part, namely,— Preamble.
c. 2.	The Appropriation Act, 1900, Session 2.

CHAPTER 50.

An Act to extend the powers of the Crofters Commission in regard to the regulation of common grazings.

[21st December 1908.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title and construction. 49 & 50 Vict. c. 29.

1. This Act may be cited as the Crofters Common Grazings Regulation Act, 1908, and shall be read as part of the Crofters Holdings (Scotland) Act, 1886.

Amendment of Crofters Common Grazings Regulation Act, 1891. 54 & 55 Vict. c. 41.

2. The power to appoint a committee and to make regulations conferred by section four of the Crofters Common Grazings Regulation Act, 1891, may be exercised by the Crofters Commission, if they think fit, without any request from a landlord or crofters interested, and without prejudice to the powers conferred by section five of the said Act any person committing a breach of any regulations made and approved under the said Act, shall be liable on conviction before the sheriff under the Summary Jurisdiction Acts to a penalty not exceeding forty shillings, and in the case of a continuing offence to a further penalty not exceeding five shillings for each day during which such offence shall have been continued after written warning from the committee or from the Crofters Commission, and any such penalty shall be recoverable by imprisonment in terms of the Summary Jurisdiction Acts. A person appointed by the Crofters Commission may summon and attend any meeting of a committee under the said Act for the purpose of advising such committee in the performance of their duties, and may otherwise assist in the administration of the said Act as may be directed by the Crofters Commission.

Repeal.

3. The Crofters Common Grazings Regulation Act, 1891, is hereby repealed to the extent mentioned in the third column of the schedule to this Act.

Section 3.

SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
54 & 55 Vict. c. 41.	Crofters Common Grazings Regulation Act, 1891.	In section four, the words, "on the request in writing of any two crofters interested, or the landlord or landlords and"; and the words "on the request in writing of any two crofters or of the landlord."

CHAPTER 51.

An Act to amend the Law with respect to the Judicial Committee of the Privy Council, and the Court of Appeal in England. [21st December 1908.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Power to direct colonial judge to act as assessor of the Judicial Committee on hearing of appeals from the colony.

1.—(1) For the purpose of the hearing of any appeal to His Majesty in Council from any court in a British possession, His Majesty may, if he thinks fit, authorise any person who is or has been a judge of the court from which the appeal is made, or a judge of a court to which an appeal lies from the court from which the appeal is made, and whose services are for the time being available, to attend as an assessor of the Judicial Committee of the Privy Council on the hearing of the appeal.

(2) This section shall not apply to any British possession except the possessions specified in the schedule to this Act and any possession which may hereafter be added to that schedule by Order in Council.

Provision as to persons being or having been judges in British India.

2.—(1) If any person being or having been chief justice or judge of any High Court in British India is a member of His Majesty's Privy Council, he shall, if His Majesty so directs, be a member of the Judicial Committee of the Privy Council.

(2) The number of persons being members of the Judicial Committee by reason of this section shall not exceed two at any one time.

(3) In this section the expression "High Court in British India" means the High Court of Bengal, Madras, Bombay, or the North-Western Provinces, or any other Court in British India which may for the time being be recognised for the purpose by Order in Council.

Extension of 58 & 59 Vict. c. 44.

3.—(1) Section one of the Judicial Committee Amendment Act, 1895, shall have effect as if the persons named therein included any person being or having been chief justice or a justice of the High Court of Australia or chief justice or judge of the Supreme Court of Newfoundland.

(2) The Schedule to the Judicial Committee Amendment Act, 1895, shall be read as if the Transvaal and the Orange River Colony were included therein as South African Colonies.

Resignation of members of the Judicial Committee.

4. Any member of the Judicial Committee of the Privy Council may resign his office as member of that Committee by giving notice of his resignation in writing to the Lord President of the Council.

Power to make continuing Order instead of annual Order directing appeals to be referred to Judicial Committee. 7 & 8 Vict. c. 69.

5. His Majesty may from time to time by Order in Council make a general Order directing that all appeals shall be referred to the Judicial Committee of the Privy Council until the Order is rescinded, and section nine of the Judicial Committee Act, 1844, shall have effect as if any such general Order for the time being in force were substituted in the first proviso to that section for the annual Order therein referred to, and the time for which the Order remains in force were substituted for the twelve months next after the making of the general Order. The expression "appeals" in this section means appeals on petitions presented to His Majesty in Council, and includes any complaints in the nature of appeals and any petitions in the matter of appeals.

Attendance of a judge of the High Court in the Court of Appeal.

6.—(1) The Lord Chancellor may request the attendance at any time of any judge of the High Court to sit as an additional judge at the sittings of the Court of Appeal, and any judge whose attendance is so requested shall attend accordingly.

(2) Every judge who attends in pursuance of this section shall be deemed to be an additional judge within the meaning of section four of the Supreme Court of Judicature Act, 1875, and section nineteen of the Appellate Jurisdiction Act, 1876 (which relate to the constitution of the Court of Appeal). 38 & 39 Vict. c. 77. 39 & 40 Vict. c. 59.

(3) The fifth paragraph of section four of the Supreme Court of Judicature Act, 1875, beginning with the words "The Lord Chancellor" and ending with the words "attend accordingly," is hereby repealed.

Short title and construction.

7.—(1) This Act may be cited as the Appellate Jurisdiction Act, 1908.

(2) The provisions of this Act shall be in addition to and shall not affect any other enactment for the appointment of or relating to members of the Judicial Committee.

Section 1

SCHEDULE.

British India.
The Dominion of Canada.
The Commonwealth of Australia.
The Dominion of New Zealand.
Cape of Good Hope.
Natal.
Transvaal.
Orange River Colony.
Newfoundland.

CHAPTER 52.

An Act to amend the Post Office Savings Bank Acts, 1861 to 1908, with respect to deposits by the Public Trustee.

[21st December 1908.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Deposits by Public Trustee.

1.—(1) Such of the provisions of the Post Office Savings Bank Acts, 1861 to 1908, and the regulations made thereunder as relate to the declaration to be made by a depositor, and as prohibit a depositor having more than one account, shall not apply to the Public Trustee ; and accordingly for the purposes of those Acts and regulations each account of the Public Trustee shall be deemed to be the account of a separate depositor, but the Public Trustee shall not open more than one account in relation to any one trust, and regulations shall be made under those Acts for carrying into effect the provisions of this Act, and for sanctioning the transfer to the Public Trustee of deposits standing in the names of deceased depositors whose estates he is administering.

(2) Any person deriving any benefit under any moneys or Government stock standing in the Post Office Savings Bank, in the name of the Public Trustee, may nevertheless open an account in the Post Office Savings Bank or in any other savings bank in his own name without being liable to any penalties imposed by any statute or regulation respecting the opening of accounts in more than one savings bank or of two accounts in the same savings bank.

2. This Act may be cited as the Post Office Savings Bank (Public Trustee) Act, 1908, and may be cited with the Post Office Savings Bank Acts, 1861 to 1908, as the Post Office Savings Bank Acts, 1861 to 1908. Short title.

CHAPTER 53.

An Act to amend the Law as regards a Landlord's right of Distress for Rent. [21st December 1908.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. If any superior landlord shall levy, or authorise to be levied, a distress on any furniture, goods, or chattels of— Under tenant or lodger, if distress levied, to make declaration that immediate tenant has no property in goods distrained.

(*a*) any under tenant liable to pay by equal instalments not less often than every actual or customary quarter of a year a rent which would return in any whole year the full annual value of the premises or of such part thereof as is comprised in the under tenancy, or

(*b*) any lodger, or

(*c*) any other person whatsoever not being a tenant of the premises or of any part thereof, and not having any beneficial interest in any tenancy of the premises or of any part thereof,

for arrears of rent due to such superior landlord by his immediate tenant, such under tenant, lodger, or other person aforesaid may serve such superior landlord, or the bailiff or other agent employed by him to levy such distress, with a declaration in writing made by such under tenant, lodger, or other person aforesaid, setting forth that such immediate tenant has no right of property or beneficial interest in the furniture, goods, or chattels so distrained or threatened to be distrained upon, and that such furniture, goods, or chattels are the property or in the lawful possession of such under tenant, lodger, or other person aforesaid, and are not goods or live stock to which this Act is expressed not to apply; and also, in the case of an under tenant or lodger, setting forth the amount of rent (if any) then due to his immediate landlord, and the times at which future instalments of rent will become due, and the amount thereof, and containing an undertaking to pay to the superior landlord any rent so due or to become due to his immediate landlord, until the arrears of rent in respect of which the distress was levied or authorised to be levied have been paid off, and to such

declaration shall be annexed a correct inventory, subscribed by the under tenant, lodger, or other person aforesaid, of the furniture, goods, and chattels referred to in the declaration; and, if any under tenant, lodger, or other person aforesaid, shall make or subscribe such declaration and inventory knowing the same or either of them to be untrue in any material particular, he shall be deemed guilty of a misdemeanour.

Penalty.

2. If any superior landlord, or any bailiff or other agent employed by him, shall, after being served with the beforementioned declaration and inventory, and in the case of an under tenant or lodger after such undertaking as aforesaid has been given, and the amount of rent (if any) then due has been paid or tendered in accordance with that undertaking, levy or proceed with a distress on the furniture, goods, or chattels of the under tenant, lodger, or other person aforesaid, such superior landlord, bailiff, or other agent shall be deemed guilty of an illegal distress, and the under tenant, lodger, or other person aforesaid, may apply to a justice of the peace for an order for the restoration to him of such goods, and such application shall be heard before a stipendiary magistrate, or before two justices in places where there is no stipendiary magistrate, and such magistrate or justices shall inquire into the truth of such declaration and inventory, and shall make such order for the recovery of the goods or otherwise as to him or them may seem just, and the superior landlord shall also be liable to an action at law at the suit of the under tenant, lodger, or other person aforesaid, in which action the truth of the declaration and inventory may likewise be inquired into.

Payments by under tenant or lodger to superior landlord.

3. For the purposes of the recovery of any sums payable by an under tenant or lodger to a superior landlord under such an undertaking as aforesaid, or under a notice served in accordance with section six of this Act, the under tenant or lodger shall be deemed to be the immediate tenant of the superior landlord, and the sums payable shall be deemed to be rent; but, where the under tenant or lodger has, in pursuance of any such undertaking or notice as aforesaid, paid any sums to the superior landlord, he may deduct the amount thereof from any rent due or which may become due from him to his immediate landlord, and any person (other than the tenant for whose rent the distress is levied or authorised to be levied) from whose rent a deduction has been made in respect of such a payment may make the like deductions from any rent due or which may become due from him to his immediate landlord.

Exclusion of certain goods.

4. This Act shall not apply—

(1) to goods belonging to the husband or wife of the tenant whose rent is in arrear, nor to goods comprised in any bill of sale, hire purchase agreement, or settlement made by such tenant, nor to goods in the possession, order, or disposition of such tenant

by the consent and permission of the true owner under such circumstances that such tenant is the reputed owner thereof, nor to any live stock to which section twenty-nine of the Agricultural Holdings Act, 1908, applies ; 8 Edw. 7. c. 28.

(2) (*a*) to goods of a partner of the immediate tenant ; (*b*) to goods (not being goods of a lodger) upon premises where any trade or business is carried on in which both the immediate tenant and the under tenant have an interest ; (*c*) to goods (not being goods of a lodger) on premises used as offices or warehouses where the owner of the goods neglects for one calendar month after notice (which shall be given in like manner as a notice to quit) to remove the goods and vacate the premises ; (*d*) to goods belonging to and in the offices of any company or corporation on premises the immediate tenant whereof is a director or officer, or in the employment of such company or corporation :

Provided that it shall be competent for a stipendiary magistrate, or where there is no stipendiary magistrate for two justices, upon application by the superior landlord or any under tenant or other such person as aforesaid, upon hearing the parties to determine whether any goods are in fact goods covered by subsection (2) of this section.

Exclusion of certain under tenants.

5. This Act shall not apply to any under tenant where the under tenancy has been created in breach of any covenant or agreement in writing between the landlord and his immediate tenant, or where the under tenancy has been created under a lease existing at the date of the passing of this Act contrary to the wish of the landlord in that behalf, expressed in writing and delivered at the premises within a reasonable time after the circumstances have come, or with due diligence would have come, to his knowledge.

To avoid distress.

6. In cases where the rent of the immediate tenant of the superior landlord is in arrear it shall be lawful for such superior landlord to serve upon any under tenant or lodger a notice (by registered post addressed to such under tenant or lodger upon the premises) stating the amount of such arrears of rent, and requiring all future payments of rent, whether the same has already accrued due or not, by such under tenant or lodger to be made direct to the superior landlord giving such notice until such arrears shall have been duly paid, and such notice shall operate to transfer to the superior landlord the right to recover, receive, and give a discharge for such rent.

Commencement of Act.

7. This Act shall come into operation on the first day of July one thousand nine hundred and nine.

Repeal of 34 & 35 Vict. c. 79.

8. The Lodgers' Goods Protection Act, 1871, shall, wherever and so far as this Act applies, be repealed as from the commencement of this Act.

Definitions.

9. In this Act the words "superior landlord" shall be deemed to include a landlord in cases where the goods seized are not those of an under tenant or lodger; and the words "tenant" and "under tenant" do not include a lodger.

Act not to extend to Scotland.

10. This Act shall not extend to Scotland and shall only apply in Ireland to a rent issuing out of lands or tenements situate wholly within the boundaries of a municipality or of a township having town commissioners.

Short title.

11. This Act may be cited as the Law of Distress Amendment Act, 1908.

CHAPTER 54.

An Act to empower the Secretary of State in Council of India to raise money in the United Kingdom for the Construction, Extension, and Equipment of Railways in India by State Agency, or through the Agency of Companies, for the Construction of Irrigation Works; and for other purposes. [21st December 1908.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the East India Loans Act, 1908.

Definition.

2. In this Act the expression "Secretary of State" means the Secretary of State in Council of India, unless the context otherwise requires.

Power to raise 20,000,000*l.* for constructing, extending, and equipping railways in India, for constructing irrigation works, and for other purposes.

3. It shall be lawful for the Secretary of State at any time or times to raise in the United Kingdom as and when necessary, by the creation and issue of capital stock, bonds, debentures, or bills, or partly by one of such modes and partly by another or others, any sum or sums of money not exceeding in the whole twenty millions of pounds sterling, to be applied—

(1) in the construction, extension, and equipment of railways in India by State agency, or through the agency of a company or companies under engagement with the Secretary of State; or

(2) in the repayment of the principal of any bonds or debentures issued by any such company under the guarantee of the Secretary of State; or

(3) in the discharge of any obligations incurred or arising by reason of the purchase by the Secretary of State of any railway constructed or worked in India by any such company, or on the determination of the contract of any such company with the Secretary of State;

(4) in the construction of irrigation works in India.

Power to raise 5,000,000*l.* for the general purposes of the Government of India.

4. It shall also be lawful for the Secretary of State at any time or times to raise in the United Kingdom, as and when necessary, in the manner mentioned in section three of this Act, any sum or sums of money not exceeding in the whole five millions of pounds sterling for the general purposes of the Government of India.

Power to apply securities created under this Act directly in exchange for or discharge of obligation

5. The power given to the Secretary of State by this Act to raise moneys by means of stock or other securities created by him shall be deemed to include power to create such stock or other securities to be applied directly in exchange for or discharge of any of the bonds, debentures, or other obligations mentioned in subsections (2) and (3) of section three of this Act, in such manner as may be necessary for carrying out any arrangement made for the purpose:

Provided that, in calculating the amount of the moneys raised under this Act, the capital value of any obligations exchanged for or discharged by means of stock or other securities created under this section shall be included as if an equivalent amount of money had been raised under this Act.

Certain provisions of 56 & 57 Vict. c. 70 to apply.

6. Sections four to twelve inclusive, sections fourteen to seventeen inclusive, and section nineteen of the East India Loan Act, 1893, shall be incorporated with this Act.

Saving.

7. This Act shall not prejudice or affect any power of raising or borrowing money, or of creating or issuing securities, vested in the Secretary of State at the time of passing thereof.

CHAPTER 55.

An Act to regulate the sale of certain Poisonous Substances and to amend the Pharmacy Acts.

[21st December 1908.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Amendment of 31 & 32 Vict. c. 121, Schedule A.

1.—(1) Schedule A. to the Pharmacy Act, 1868 (which specifies the articles to be deemed poisons within the meaning of that Act), is hereby repealed, and the schedule to this Act shall be substituted therefor.

(2) The schedule to this Act may be amended by adding thereto or removing therefrom any article, or by transferring any article from one part of the schedule to the other in the manner provided by section two of the Pharmacy Act, 1868, for adding to the list of articles deemed to be poisons within the meaning of that Act.

Regulation of sale of certain poisonous substances for agricultural and horticultural purposes.

2.—(1) So much of the Pharmacy Act, 1868, as makes it an offence for any person to sell or keep open shop for the sale of poisons, unless he is a duly registered pharmaceutical chemist or chemist and druggist and conforms to regulations made under section one of that Act, shall not apply in the case of poisonous substances to be used exclusively in agriculture or horticulture for the destruction of insects, fungi, or bacteria, or as sheep dips or weed killers which are poisonous by reason of their containing arsenic, tobacco, or the alkaloids of tobacco, if the person so selling or keeping open shop is duly licensed for the purpose under this section by a local authority, and conforms to any regulations as to the keeping, transporting, and selling of poisons made under this section, but nothing in this section shall exempt any person so licensed from the requirements of any other provision of the Pharmacy Act, 1868, or of the Arsenic Act, 1851, relating to poisons :

14 & 15 Vict. c. 13.

Provided that His Majesty may by Order in Council amend this provision by adding thereto or removing therefrom any poisonous substance, and, upon any such Order being made, this provision shall have effect as if the added poisonous substances were included therein and the removed poisonous substances were excluded therefrom.

(2) Before granting any licence under this section the local authority shall take into consideration whether in the neighbourhood where the applicant for the licence carries on or intends to carry on business the reasonable requirements of the public with respect to the purchase of such poisonous substances as aforesaid are satisfied.

(3) His Majesty may, by Order in Council, make regulations as to—

(*a*) the granting of licences under this section ; and

(*b*) the duration, renewal, revocation, suspension, extent, and production of such licences ; and

(*c*) the keeping, inspection, and copying of registers of licences ; and

(*d*) the fees to be charged for licences and for inspection and copying of registers ; and

(*e*) the keeping, transporting, and selling of the poisonous substances to which this section applies ;

and generally for the purposes of carrying this section into effect.

(4) The local authority for the purposes of this section shall, as respects the area of any municipal borough in England having a population of more than ten thousand according to

the last published census for the time being, be the council of that borough, and, as respects the area of any royal, parliamentary, or police burgh in Scotland, be the town council, and, as respects any other place, be the council of the county.

(5) An Order in Council under this section shall be laid before both Houses of Parliament as soon as may be after it is made.

Amendment of 31 & 32 Vict. c. 121. ss. 15 and 16.

3.—(1) Any person who, being a duly registered pharmaceutical chemist or chemist and druggist, carries on the business of pharmaceutical chemist or chemist and druggist shall, unless in every premises where the business is carried on the business is bonâ fide conducted by himself or some other duly registered pharmaceutical chemist or chemist and druggist, as the case may be, and unless the name and certificate of qualification of the person by whom the business is so conducted in any premises is conspicuously exhibited in the premises, be guilty of an offence under section fifteen of the Pharmacy Act, 1868.

(2) The provisions of section sixteen of the Pharmacy Act, 1868, which enable the executor, administrator, or trustee of the estate of a deceased pharmaceutical chemist or chemist and druggist to continue his business so long as such business is bonâ fide conducted by a duly qualified assistant, shall be construed as enabling such executor, administrator, or trustee to carry on the business if and so long only as, in every premises where the business is carried on, the business is bonâ fide conducted by a duly registered pharmaceutical chemist or chemist and druggist, as the case may be, and the name and certificate of qualification of the person by whom the business is so conducted in any premises is conspicuously exhibited in the premises.

(3) A registered chemist or druggist may, notwithstanding anything in section fifteen of the Pharmacy Act, 1868, take, use, or exhibit the name or title of pharmacist.

(4) A body corporate, and in Scotland a firm or partnership, may carry on the business of a pharmaceutical chemist or chemist and druggist—

(*a*) if the business of the body corporate, firm, or partnership, so far as it relates to the keeping, retailing, and dispensing of poisons, is under the control and management of a superintendent who is a duly registered pharmaceutical chemist or chemist and druggist, whose name has been forwarded to the registrar appointed under the Pharmacy Act, 1852, to be entered by him in a register to be kept for that purpose, and who does not act at the same time in a similar capacity for any other body corporate, firm, or partnership; and

(*b*) if in every premises where such business as aforesaid is carried on, and is not personally conducted by the superintendent, such business is bonâ fide conducted under the direction of the superintendent by a manager

or assistant who is a duly registered pharmaceutical chemist or chemist and druggist, and whose certificate of qualification is conspicuously exhibited in the shop or other place in which he so conducts the business.

A body corporate, and in Scotland a firm or partnership, may use the description of chemist and druggist, or of chemist or of druggist, or of dispensing chemist or druggist, if the foregoing requirements as to the carrying on of the business are observed, and if the superintendent is a member of the board of directors or other governing body of the body corporate, or of the firm or partnership, as the case may be.

15 & 16 Vict. c. 56.

Subject as aforesaid, section twelve of the Pharmacy Act, 1852, and sections one and fifteen of the Pharmacy Act, 1868, shall apply to a body corporate, and in Scotland to a firm or partnership, in like manner as they apply to an individual.

Extension of powers of Pharmaceutical Society to make byelaws.

4. The power of making byelaws conferred by section two of the Pharmacy Act, 1852, on the council of the Pharmaceutical Society shall be deemed to include the power of making byelaws for all or any of the following purposes (that is to say) :—

(*a*) Requiring persons desirous of presenting themselves for examination by the said society to produce evidence satisfactory to the council of the society that they have received a sufficient preliminary practical training in the subjects of the examination ;

(*b*) Providing for the registration, upon payment of the prescribed fee, as pharmaceutical chemists or chemists and druggists under the Pharmacy Acts, 1852 and 1868, without examination, of any persons holding colonial diplomas or of qualified military dispensers or certified assistants to apothecaries under the Apothecaries Act, 1815, who produce evidence satisfactory to the council of the society that they are persons of sufficient skill and knowledge to be so registered ;

55 Geo. 3. c. 194.

(*c*) Providing for periods of time and courses of study in connexion with the qualifying examination, and dividing such examination into two parts.

Restrictions on sale of certain poisonous substances.

5.—(1) It shall not be lawful to sell any substance to which this section applies by retail, unless the box, bottle, vessel, wrapper, or cover in which the substance is contained is distinctly labelled with the name of the substance and the word "Poisonous," and with the name and address of the seller of the substance, and unless such other regulations as may be prescribed under this section by Order in Council are complied with ; and, if any person sells any such substance otherwise than in accordance with the provisions of this section or of any Order in Council made thereunder, he shall, on conviction under the Summary Jurisdiction Acts, be liable for each offence to a fine not exceeding five pounds.

(2) The substances to which this section applies are sulphuric acid, nitric acid, hydrochloric acid, soluble salts of oxalic acid, and such other substances as may for the time being be prescribed by Order in Council under this section.

Application to Ireland.

6.—(1) The provisions of section two and section five of this Act shall apply to Ireland, with the following modifications :—

(*a*) For the reference to the Pharmacy Act, 1868, there shall be substituted a reference to the Pharmacy Act (Ireland), 1875, and the Pharmacy Act (Ireland) (1875) Amendment Act, 1890, and the reference to regulations made under section one of the first mentioned Act shall not apply ; 38 & 39 Vict. c. 57. 53 & 54 Vict. c. 48.

(*b*) For references to Orders in Council by His Majesty, or to Orders in Council, there shall be substituted references to Orders in Council by the Lord Lieutenant ;

(*c*) The reference to a duly registered chemist and druggist shall include a reference to a registered druggist.

(2) Save as provided by this section, the foregoing provisions of this Act shall not apply to Ireland.

Continuation of business on death of chemist and druggist or registered druggist in Ireland.

7. Upon the death of any person registered under the Pharmacy Act (Ireland) (1875) Amendment Act, 1890, as a chemist and druggist or registered druggist and actually in business at the time of his death, it shall be lawful for any executor, administrator, or trustee of his estate to continue such business if and so long only as such business is bonâ fide conducted by an assistant being a duly registered pharmaceutical chemist or licentiate apothecary, or duly registered chemist and druggist, or duly registered druggist.

Short title, commencement, and extent.

8. This Act may be cited as the Poisons and Pharmacy Act, 1908, and shall come into operation on the first day of April nineteen hundred and nine.

SCHEDULE.

Part I.

Arsenic, and its medicinal preparations.
Aconite, aconitine, and their preparations.
Alkaloids — all poisonous vegetable alkaloids not specifically named in this schedule, and their salts, and all poisonous derivatives of vegetable alkaloids.
Atropine, and its salts, and their preparations.
Belladonna, and all preparations or admixtures (except belladonna plaisters) containing 0·1 or more per cent. of belladonna alkaloids.
Cantharides, and its poisonous derivatives.
Coca, any preparation or admixture of, containing 1 or more per cent. of coca alkaloids.

Corrosive sublimate.
Cyanide of potassium, and all poisonous cyanides and their preparations.
Emetic tartar, and all preparations or admixtures containing 1 or more per cent. of emetic tartar.
Ergot of rye, and preparations of ergots.
Nux vomica, and all preparations or admixtures containing 0·2 or more per cent. of strychnine.
Opium, and all preparations or admixtures containing 1 or more per cent. of morphine.
Picrotoxin.
Prussic acid, and all preparations or admixtures containing 0·1 or more per cent. of prussic acid.
Savin, and its oil, and all preparations or admixtures containing savin or its oil.

Part II.

Almonds, essential oil of (unless deprived of prussic acid).
Antimonial wine.
Cantharides, tincture and all vesicating liquid preparations or admixtures of.
Carbolic acid, and liquid preparations of carbolic acid, and its homologues containing more than 3 per cent. of those substances, except preparations for use as sheep wash or for any other purpose in connection with agriculture or horticulture, contained in a closed vessel distinctly labelled with the word "Poisonous," the name and address of the seller, and a notice of the special purposes for which the preparations are intended.
Chloral hydrate.
Chloroform, and all preparations or admixtures containing more than 20 per cent. of chloroform.
Coca, any preparation or admixture of, containing more than 0·1 per cent. but less than 1 per cent. of coca alkaloids.
Digitalis.
Mercuric iodide.
Mercuric sulphocyanide.
Oxalic acid.
Poppies, all preparations of, excepting red poppy petals and syrup of red poppies (papaver rhæas).
Precipitate, red, and all oxides of mercury.
Precipitate, white.
Strophanthus.
Sulphonal.
All preparations or admixtures which are not included in Part I. of this schedule, and contain a poison within the meaning of the Pharmacy Acts, except preparations or admixtures the exclusion of which from this schedule is indicated by the words therein relating to carbolic acid, chloroform, and coca, and except such substances as come within the provisions of section five of this Act.

CHAPTER 56.

An Act to prevent the spread and provide for the treatment of Tuberculosis; and for other purposes connected therewith. [21st December 1908.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Part I.

Notification and Disinfection.

Notification.

1.—(1) If any medical practitioner attending on any person, within any district to which this Part of this Act extends, becomes aware that that person is suffering in any prescribed circumstances from tuberculosis of any prescribed form, or at any prescribed stage, the medical practitioner shall within seven days after he becomes aware of the fact send to the medical officer of health a certificate in the prescribed form and containing the prescribed particulars.

(2) The Local Government Board, after consulting with the President of the Royal College of Physicians in Ireland and the President of the Royal College of Surgeons in Ireland, shall from time to time by Order prescribe the forms and stages of tuberculosis to which, and the circumstances in which, this section shall apply, but no forms of tuberculosis shall be so prescribed save such as by reason of infective discharges are liable to communicate the disease to other persons.

(3) Any certificate required to be sent to a medical officer of health under this section may be sent either by delivering it to that officer, or by leaving it at his office or residence, or by sending it by post addressed to him at his office or at his residence.

(4) If any medical practitioner required by this section to send a certificate fails to send the certificate within the period specified in this section, he shall be liable on summary conviction to a penalty not exceeding forty shillings.

(5) The sanitary authority shall pay to every medical practitioner for the certificate duly sent by him in relation to a patient in their district a fee of one shilling if the case occurs in an infirmary, public hospital, or workhouse, and a fee of two shillings and sixpence if the case occurs elsewhere, but only one notification fee shall be paid by the sanitary authority in respect of the same patient.

Where the medical practitioner required by this section to send a certificate is himself the medical officer of health of the district, he shall be entitled to the fee to which he would be entitled if he were not such medical officer.

(6) A payment made to any medical practitioner in pursuance of this section shall not disqualify the practitioner from serving as a member of any county or district council or as a guardian of any union.

(7) The Local Government Board shall make regulations for carrying into effect the provisions of this section, and such regulations shall, among other matters, prescribe the form of certificate to be sent under this section and the particulars to be inserted therein, and shall provide for the proper custody of all certificates, and for securing that, so far as is, in the opinion of the Board, consistent with the public advantage, no publicity shall be given to any of the particulars contained in any such certificate, and that the certificate shall be cancelled if and when it appears to the medical officer of health that the person to whom it relates has been cured of the disease.

The sanitary authority shall gratuitously supply forms of certificate to any medical practitioner residing or practising in their district who applies for the same.

(8) In this section the expression "medical officer of health" means—

(*a*) as respects any district for which there is a medical superintendent officer of health, that officer; and

(*b*) elsewhere, the medical officer of health of the dispensary district.

Disinfection and cleansing. 41 & 42 Vict. c. 52.

2. Section one hundred and thirty-nine of the Public Health (Ireland) Act, 1878 (relative to the provision of means of disinfection), and section five (which relates to the cleansing and disinfecting of premises), section six (which relates to the disinfection of bedding), section fifteen (which relates to temporary shelter), section sixteen (which relates to penalties), and section seventeen (which relates to power of entry) of the Infectious Disease (Prevention) Act, 1890, shall apply with the necessary modifications in every case where tuberculosis is notifiable under this Act as regards any premises, bedding, clothing or articles exposed to or likely to retain infection, in like manner as if tuberculosis were an infectious disease to which those Acts apply.

53 & 54 Vict. c. 34.

Extent and adoption of Part I of Act.

3.—(1) This Part of this Act shall extend to any urban or rural sanitary district in Ireland after the adoption thereof.

(2) The sanitary authority of any such urban or rural sanitary district may, subject to the approval of the council of any county in which the district is situated, adopt this Part of this Act by a resolution passed at a meeting of the authority.

(3) Fourteen clear days at least before the meeting a summons to attend the meeting, specifying the business to be transacted, and signed by the clerk of the sanitary authority, shall be sent by post to, or delivered at the usual place of abode of, every member of the sanitary authority.

(4) A resolution adopting this Part of this Act shall be published by advertisement in a local newspaper and by handbills, and otherwise, in such manner as the sanitary authority think sufficient for giving notice thereof to all persons interested, and shall come into operation at such time (not less than one month) after the first publication of the advertisement of the resolution as the sanitary authority may fix, and, upon its coming into operation, this Part of this Act shall extend to the district.

Part II.

Hospitals and Dispensaries.

Provision of hospitals and dispensaries by county councils.

4.—(1) A county council may, if they think fit, provide hospitals and dispensaries for the treatment of inhabitants of their county suffering from tuberculosis, and for that purpose may—

(*a*) themselves establish and maintain such hospitals and dispensaries; or

(*b*) enter into an agreement with any person having the management of any hospital or dispensary for the reception, maintenance, and treatment in the hospital or for treatment in the dispensary, as the case may be, of any such inhabitants of their county as aforesaid.

(2) Two or more county councils may combine in providing a common hospital or dispensary for the purposes of this section.

(3) For the purpose of establishing a hospital or dispensary under this section a county council shall have all the powers which are conferred on county councils by subsection one and subsection two of section ten of the Local Government (Ireland) Act, 1898, and those subsections shall apply accordingly. 61 & 62 Vict. c. 37.

(4) A county council may borrow money for the purposes of this section in like manner as they may borrow for the purposes of a lunatic asylum under article twenty-two of the schedule to the Local Government (Application of Enactments) Order, 1898.

(5) A county council shall, for every hospital or dispensary established by them, appoint—

(*a*) a medical superintendent having the prescribed qualifications at such salary as may be approved by the Local Government Board; and

(*b*) such nurses having the prescribed qualifications, and other officers and attendants, as are necessary for the requirements of the hospital or dispensary, at such respective salaries as the county council think proper,

and may dismiss any person so appointed as they think fit, excepting the medical superintendent, who shall not be dismissed without the concurrence of the Local Government Board.

Committees of management.

5.—(1) Every hospital or dispensary established by a county council under this Act shall be managed by a committee of management appointed by the council. Provided that a county

council may appoint a committee for the management of any two or more of such institutions.

(2) The committee of management shall consist of such number of members as the county council fix, and not less than three-fourths of that number shall be members of the council.

(3) The committee shall be appointed triennially, in the case of the council of a county borough at such meeting of the council as the council may determine, and in the case of the council of a county other than a county borough at the first meeting of the council after the triennial election of county councillors. Provided that in the case of the first appointment of the committee the appointment may be made at any meeting of the council, and the members of the committee so appointed shall hold office until the next following meeting of the council at which committees are to be appointed under this section.

(4) The committee of management may from time to time make all necessary rules for the conduct and management of the hospital or dispensary and the patients therein, and for the admission of patients, including patients admitted on special terms as to payment and accommodation. A rule made under this subsection shall not come into operation unless and until it is approved by the Local Government Board.

(5) The provisions of this section shall, so far as circumstances admit, apply in all cases where a county council enters into an agreement under this Act for the reception, maintenance, or treatment of patients in a hospital or dispensary.

(6) The Local Government Board may, by Order, regulate the procedure of committees of management and make provision for the filling of casual vacancies in such committees, including any such vacancy caused by a member of the committee ceasing to be a member of the council.

Joint committees.

6.—(1) Where two or more county councils combine for the purpose of providing a common hospital or dispensary, the councils shall, subject to regulations of the Local Government Board, appoint a joint committee, with such representation thereon of each council as may be agreed upon, or in case of dispute may be determined by the Local Government Board, and the powers of the several county councils under this Part of this Act (including powers of appointing officers or borrowing) shall be exercised jointly by and through the joint committee, subject to the provisions of this Act, and as regards borrowing powers subject to regulations to be made by the Local Government Board.

(2) A joint committee shall be the committee of management of the common hospital or dispensary, and all the provisions of this Act relating to committees of management shall apply with the necessary modifications to the councils providing the hospital or dispensary and to the joint committee.

(3) Save where otherwise provided in this Act, proceedings had or taken by such joint committee shall be had or taken in

the names of the said councils jointly, and proceedings had or taken against any such joint committee shall be had or taken against such councils jointly.

Classification of expenses of hospitals.

7.—(1) The expenses incurred by any county council or councils or committee of management in respect of any hospital established under this Act shall be classified as establishment expenses and patients' expenses.

"Establishment expenses" shall include the original cost of providing the hospital, and of furnishing the hospital with the necessary appliances and furniture, and the cost of any extension or enlargement of the hospital, and the cost of keeping the hospital, its appliances and furniture, in a state requisite for the comfort of the patients; also the salaries of the doctors, nurses, officers, servants, and all other expenses for maintaining the hospital in a fit state for the reception of patients.

"Patients' expenses" means the cost of conveying, removing, feeding, providing medicines, disinfecting, and all other things required for patients individually, exclusive of "establishment expenses."

(2) All expenses incurred by a county council in relation to the making or carrying out of an agreement under this Act for the reception, maintenance, and treatment of patients in a hospital shall, for the purposes of this Act, be deemed to be "patients' expenses."

Expenses of committees.

8.—(1) Subject to any conditions and restrictions which the county council or councils concerned may, with the consent of the Local Government Board, impose, all expenses incurred in relation to a hospital or dispensary under this Part of this Act shall, in the first instance, be defrayed by the committee out of a fund to be called the common fund, and all sums received or recovered by the committee shall be paid into that fund and carried to the appropriate account thereof.

(2) In the common fund, separate accounts shall be kept as regards establishment expenses and as regards patients' expenses, and in the case of patients' expenses a separate account shall be kept for each urban or rural district in the county or counties concerned in respect of the patients who were resident in the district at the time of admission.

(3) The money required to meet the expenses of a committee under this section shall be supplied by the county council or councils concerned upon the prescribed demand of the committee, and the money so demanded shall be a debt due from the council to the committee and may be recovered by the committee suing in the name of any member or officer of the committee.

(4) In the case of a joint committee, the demand upon each of the county councils concerned shall be a demand for the proportion payable by that council under this Act of the money so required.

(5) The accounts of every committee shall be separately kept, and shall be audited by an auditor of poor law unions designated by the Local Government Board, and all the enactments which relate or apply to the audit of the accounts of rural district councils (including the provisions of those enactments which impose penalties or provide for the recovery or payment of sums, whether in respect of the salaries of auditors or otherwise), and all orders made thereunder, shall apply to the audit of the accounts of every such committee in like manner as if the committee were a rural district council.

Contributions by councils to common hospitals and dispensaries.

9.—(1) The county councils establishing a common hospital shall contribute to the establishment expenses thereof in proportion to the rateable value of their respective counties, or in such other proportion as the Local Government Board may, on the joint application of all the said councils, determine.

(2) The county councils providing a common hospital shall contribute to the patients' expenses thereof the sums appearing in the books of the committee as chargeable against the several county districts in their respective counties, or, in the case of the council of a county borough, against the borough.

(3) The county councils providing a common dispensary shall contribute to the expenses thereof in such proportions as may be agreed upon.

Raising of expenses.

10.—(1) All expenses payable by the council of a county borough under this Part of this Act shall be raised by means of the poor rate.

(2) All establishment expenses, or the proportion thereof payable by the council of any county other than a county borough, shall be raised as a county at large charge.

(3) The amount appearing in the books of the committee as chargeable in respect of patients' expenses against any county district shall be raised as an urban charge or a district charge, as the case may require, in like manner as such charges are raised under the Local Government (Ireland) Act, 1898.

61 & 62 Vict. c. 37.

(4) Notwithstanding anything in this Act, the amount to be raised by any county council for establishment expenses in relation to any hospital or hospitals shall not in any local financial year exceed the sum which could be raised by a rate of one penny in the pound on the rateable value of the property in the county, or, in any case where the Local Government Board so consent, the sum which could be similarly raised by a rate of twopence in the pound.

(5) All expenses payable by the council of a county other than a county borough in respect of a dispensary shall be raised in the same manner as establishment expenses incurred in relation to a hospital, and shall not in any local financial year exceed the sum which could be raised by a rate of one penny in the pound on the rateable value of the property in the county.

Recovery of cost of maintenance of patients.

11.—(1) Subject to the provisions of any rules with regard to patients admitted on special terms, all expenses incurred in maintaining in a hospital a patient who is not a pauper shall be a debt due from that patient to the council, or, if he is maintained in a common hospital, to the joint committee, but proceedings for its recovery shall not be commenced after the expiration of six months from the discharge of the patient, or, if he dies in the hospital, from the date of his death.

Saving of disqualification of patients.

12. A person shall not suffer any disqualification or any loss of franchise or other right or privilege by reason of his or any member of his family being admitted into and maintained in any hospital provided under this Part of this Act, or being treated in any dispensary so provided.

Orders, rules, and regulations of Local Government Board.

13. The Local Government Board may make such orders, rules, and regulations as they think proper—

(*a*) for regulating the communications by committees to county councils and by county councils to urban district councils of the respective amounts required to be raised in each local financial year, or any part thereof, and the estimates to be made by committees of their receipts and expenditure in each local financial year;

(*b*) for regulating the method of calculating the amount of patients' expenses to be charged against any county district or county borough;

(*c*) for regulating the administration of hospitals and dispensaries; and

(*d*) generally for the purpose of carrying this Part of this Act into effect.

Part III.

Sanitary Provisions.

Lectures and information relating to tuberculosis.

14. A sanitary authority may, with the approval of and subject to such conditions as may be prescribed by the Local Government Board, provide and pay for the delivery of public lectures within their district and for the distribution of pamphlets, notices, and leaflets on subjects relating to tuberculosis, and may, with the like approval and subject to the like conditions, provide any drugs or appliances which would tend to prevent or check the spread of the disease.

Appointment of bacteriologist.

15.—(1) A county council may appoint for their county a bacteriologist, being a medical practitioner, with such qualifications and at such remuneration as may be approved by the Local Government Board, for the examination of meat or milk or milk products, and of sputum or pathological specimens, and may, at their discretion, dismiss such bacteriologist.

(2) Subject to regulations to be made by the county council, the services of such bacteriologist shall, without charge, be at the disposal of any sanitary authority within the county for which the bacteriologist is appointed.

(3) The expenses of a county council under this section shall be defrayed in like manner as establishment expenses under Part II. of this Act.

Power to take samples of milk and milk products.

16.—(1) It shall be lawful for the medical officer of health of any dispensary district in a county for which a bacteriologist is appointed under this Act, and for any person authorised in writing in that behalf by the sanitary authority of any sanitary district in that county, to take, at any place within the dispensary district in the case of the medical officer, or within the sanitary district in the case of such other person, samples for examination or analysis of any milk or milk products produced or sold or intended to be sold within the county.

(2) The powers conferred by this section on medical officers and other persons of taking samples within the dispensary district and sanitary district respectively may be exercised by any such medical officer or person at any place outside such district, if he has first obtained an order from a justice having jurisdiction in that place authorising the taking of such samples, which order any such justice is hereby empowered to make.

(3) Every person taking a sample under this section in pursuance of an authorisation from a sanitary authority or an order of a justice shall produce the authorisation or order if and when required.

(4) Any person who wilfully obstructs or impedes any medical officer of health or other person acting in the execution of this section shall be liable on summary conviction for the first offence to a fine not exceeding twenty pounds, and for the second or any subsequent offence to a fine not exceeding fifty pounds.

(5) In this section the expression "medical officer of health" includes a medical superintendent officer of health, and in relation to a medical superintendent officer of health the expression "dispensary district" means the district for which such officer is appointed.

Veterinary surgeon to be officer of sanitary authority for certain purposes.
41 & 42 Vict. c. 52.

17.—(1) The expression "sanitary officer of the sanitary authority" in section one hundred and thirty-two of the Public Health (Ireland) Act, 1878, shall include any duly qualified veterinary surgeon approved by the sanitary authority for the purposes of that section, and the sanitary authority shall pay to such veterinary surgeon such remuneration as the Local Government Board may approve.

41 & 42 Vict. c. 74. 49 & 50 Vict. c. 32.

(2) A veterinary surgeon so approved shall be deemed to be an officer of the local authority for the purpose of any order or regulation made under the Contagious Diseases (Animals) Acts, 1878 and 1886.

Destruction of cows affected with tuberculosis of the udder.

18.—(1) Any sanitary authority may, if they think fit, cause to be slaughtered any milch cow which is certified by a veterinary surgeon to be affected with tubercular disease of the udder.

(2) Such sanitary authority shall, for any milch cow slaughtered under this section, pay to the owner compensation, which shall be determined in case of dispute in the manner provided by section two hundred and seventy-four of the Public Health (Ireland) Act, 1878, and shall not in any case exceed ten pounds.

41 & 42 Vict. c. 52.

(3) Where a milch cow has been slaughtered under this section, the carcase shall belong to the sanitary authority, and shall be buried or returned to the owner or otherwise disposed of by the sanitary authority according as the condition of the animal or carcase or other circumstances require or admit.

(4) Any person who wilfully obstructs or impedes any officer of the sanitary authority acting in the execution of this section shall be liable on summary conviction for the first offence to a fine not exceeding twenty pounds, and for the second or any subsequent offence to a fine not exceeding fifty pounds.

Powers of urban district councils in relation to dairies outside the district

41 & 42 Vict. c. 74.

19.—(1) The Local Government Board under section thirty-four of the Contagious Diseases (Animals) Act, 1878, as amended by any subsequent enactment, may on the application of the council of any urban district make an order authorising the council to exercise in relation to any dairies outside the district from which milk is supplied within the district all or any of the powers which may be conferred on a local authority in relation to dairies within their district by an order under the said section.

(2) The expression "dairies" in this section includes any farm, farmhouse, yard, cowshed, milk-store, milk-shop or other place from which milk is supplied or in which milk is kept for the purposes of sale.

Part IV.

General.

Expenses of sanitary authorities.

20. Save where otherwise provided, all expenses incurred by a sanitary authority in the execution of this Act shall be paid as part of the expenses of such authority in the execution of the Public Health (Ireland) Acts, 1878 to 1907, and in the case of a rural sanitary authority shall be general expenses.

Prosecution of offences and fines.

21. Offences under this Act may be prosecuted and fines under this Act may be recovered under the Summary Jurisdiction Acts before a court of summary jurisdiction constituted in the manner provided by section two hundred and forty-nine of the Public Health (Ireland) Act, 1878.

41 & 42 Vict. c. 52.

Interpretation.

22. In this Act, unless the context otherwise requires,—

The expression "hospital" includes a sanatorium;

The expression "prescribed" means prescribed by the Local Government Board;

The expression "medical practitioner" means a medical practitioner duly registered under the Medical Acts;

The expressions "veterinary surgeon" and "duly qualified veterinary surgeon," respectively, mean a person registered under the Veterinary Surgeons Act, 1881.

44 & 45 Vict. c. 62.

Other expressions have the same meaning as the like expressions in the Local Government (Ireland) Act, 1898, and "county council" includes the council of a county borough, and "county" includes a county borough.

61 & 62 Vict. c. 37.

Citation and extent.

23. This Act may be cited as the Tuberculosis Prevention (Ireland) Act, 1908, and shall apply to Ireland only.

Commencement of Act.

24. This Act shall come into operation on the first day of July nineteen hundred and nine.

CHAPTER 57.

An Act to amend the Coal Mines Regulation Acts, 1887 to 1905, for the purpose of limiting hours of work below ground. [21st December 1908.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Limit of hours of work below ground in coal mines.

1.—(1) Subject to the provisions of this Act a workman shall not be below ground in a mine for the purpose of his work, and of going to and from his work, for more than eight hours during any consecutive twenty-four hours.

(2) No contravention of the foregoing provisions shall be deemed to take place in the case of a workman working in a shift if the period between the times at which the last workman in the shift leaves the surface and the first workman in the shift returns to the surface does not exceed eight hours; nor shall any contravention of the foregoing provisions be deemed to take place in the case of any workman who is below ground for the purpose of rendering assistance in the event of accident, or for meeting any danger or apprehended danger, or for dealing with any emergency or work uncompleted through unforeseen circumstances which requires to be dealt with without interruption in order to avoid serious interference with ordinary work in the mine or in any district of the mine, or, in the case of stallmen when engaged in the process of taking down top coal in square or wide work in the thick coal of the South Staffordshire district, so long as their presence in or near the stall is necessary to ensure safety.

(3) The owner, agent, or manager of every mine shall fix for each shift of workmen in the mine the time at which the

lowering of the men to the mine is to commence and to be completed, and the time at which the raising of the men from the mine is to commence and to be completed, in such a manner that every workman shall have the opportunity of returning to the surface without contravention of the foregoing provisions of this section, and shall post and keep posted at the pit head a conspicuous notice of the time so fixed, and shall make all arrangements necessary for the observance of those times in lowering and raising the men.

(4) The interval between the times fixed for the commencement and for the completion of the lowering and raising of each shift of workmen to and from the mine shall be such time as may for the time being be approved by the inspector as the time reasonably required for the purpose. Provided that, in the event of any accident to the winding machinery, or other accident interfering with the lowering or raising of workmen, the interval may temporarily be extended to such extent as may be necessary; but in any such case the owner, agent, or manager of the mine shall on the same day send notice of the extension and the cause thereof to the inspector, and the extension shall not continue beyond such date as may be allowed by the inspector.

(5) In the event of the owner, agent, or manager feeling aggrieved by a decision of the inspector under the last foregoing subsection, the matter shall, in accordance with regulations as to procedure and costs made by the Secretary of State, be referred to the decision of a person appointed by the judge of county courts for the district, or in Scotland by the sheriff of the county, in which the mine is situate, whose decision shall be final; but until such decision is given the times approved by the inspector shall be in force as respects the mine.

(6) A repairing shift of workmen may, notwithstanding the provisions of this section, for the purpose of avoiding work on Sunday, commence their period of work on Saturday before twenty-four hours have elapsed since the commencement of their last period of work, so long as at least eight hours have elapsed since the termination thereof.

(7) For the purposes of this Act, the expression "workman" means any person employed in a mine below ground, who is not an official of the mine (other than a fireman, examiner, or deputy), or a mechanic or horse-keeper, or a person engaged solely in surveying or measuring; and any number of workmen whose hours for beginning and terminating work in the mine are approximately the same shall be deemed to be a shift of workmen.

Provided that—

(*a*) In the case of a fireman, examiner, or deputy, onsetter, pump-minder, fanman, or furnace-man, the maximum period for which he may be below ground under this Act shall be nine hours and a half; and

(*b*) Where the work of sinking a pit or driving a cross-measure drift is being carried on continuously, no

contravention of the provisions of this Act shall be deemed to take place as respects any workman engaged on that work if the number of hours spent by him at his working place does not exceed six at any one time, and the interval between the time of leaving the working place and returning thereto is in no case less than twelve hours.

If any question under this section arises (otherwise than in legal proceedings) whether any person is a workman or is a workman of any particular class, that question shall be referred to the Secretary of State, and his decision shall be final.

Register of times of descent and ascent.

2.—(1) The owner, agent, or manager of every mine shall appoint one or more persons to direct at the pit head the lowering and raising of men to and from the mine, and shall cause a register to be kept in the form prescribed by the Secretary of State, and containing the particulars prescribed by him with respect to the times at which men are lowered into and raised from the mine, and the cases in which any man is below ground for more than the time fixed by this Act, and the cause thereof, and the register shall be open to inspection by the inspector.

(2) The workmen in a mine may, at their own cost, appoint and station one or more persons, whether holding the office of checkweigher or not, to be at the pit head, at all times when workmen are to be lowered or raised, for the purpose of observing the times of lowering and raising, and the provisions of the Coal Mines Regulation Acts, 1887 to 1905, relating to the checkweigher, and to the relations between the owner, agent, or manager of the mine and the checkweigher shall, so far as applicable, apply to any person so appointed as they apply to the checkweigher, with the substitution, as respects appointment, of the workmen in the mine for the persons who under those Acts are entitled to appoint a checkweigher.

(3) If any person knowingly makes a false entry in the register which is to be kept under this section, or knowingly causes or permits any such false entry to be made, he shall be liable on summary conviction in respect of each offence to a fine not exceeding five pounds. Provided that the total amount of fines for offences under this section committed by any one person at any one pit head in any one period of twenty-four hours shall not exceed twenty-five pounds.

Power to extend hours of work on a limited number of days in a year.

3.—(1) The time fixed by this Act as the time during which the workmen in a mine may be below ground for the purpose of their work and of going to and from their work may be extended as respects any mine by the owner, agent, or manager of the mine, on not more than sixty days in any calendar year by not more than one hour a day, and on any day on which an extension of time is made in accordance with this section as respects any mine the time as so extended shall be substituted for the

purposes of this Act as respects that mine for the time as fixed by this Act.

(2) The owner, agent, or manager of every mine shall cause a register to be kept in such manner as the Secretary of State may direct of the cases in which any extension of time has been given under this section, and the register shall be open to inspection by the inspector.

Power to suspend Act by Order in Council in event of emergency.

4. His Majesty may, in the event of war or of imminent national danger or great emergency, or in the event of any grave economic disturbance due to the demand for coal exceeding the supply available at the time, by Order in Council suspend the operation of this Act to such extent and for such period as may be named in the Order, either as respects all coal mines or any class of coal mines.

Application to mines not entered by a shaft, &c.

5. In the application of this Act to mines which are entered otherwise than by a shaft, and to workmen who are not lowered to or raised from the mine by means of machinery, the admission of men to the mine shall be substituted for the lowering of men to the mine, and the return of men from the mine shall be substituted for the raising of men from the mine, and such times as may be determined by the owner, agent, or manager of the mine, with the approval of the inspector, as the times properly corresponding to the times fixed for the commencement and completion of the lowering and raising of workmen to and from the mine, shall be substituted for the times so fixed.

Provisions for securing compliance with Act.

6. For securing compliance with the provisions of this Act, it shall be the duty of the owner, agent, or manager of every mine—

(*a*) to make regulations for that purpose and publish such regulations by posting them and keeping them posted at the pit head, and by supplying a copy thereof gratis to every workman employed underground in the mine who, not having been previously supplied with a copy, applies therefor at the office at which he is paid; and

(*b*) to provide necessary means for raising the men from the mine within the time limited by this Act.

Penalties.

7.—(1) If any person contravenes or fails to comply with any provision of this Act or connives at any such contravention or failure on the part of any other person, he shall be guilty of an offence against this Act:

Provided that a workman shall not be guilty of an offence under this Act in the case of any failure to return to the surface within the time limited by this Act if he proves that without default on his part he was prevented from returning to the surface owing to means not being available for the purpose.

(2) A person guilty of an offence under this Act for which a special penalty is not provided shall, in respect of each offence, be liable, on summary conviction, if he is the owner, agent, or

manager of the mine, to a fine not exceeding two pounds, and in any other case to a fine not exceeding ten shillings.

(3) If a workman is below ground for a longer period during any consecutive twenty-four hours than the time fixed by this Act he shall be deemed to have been below ground in contravention of this Act unless the contrary is proved.

Application, commencement, and short title.

8.—(1) This Act shall, except where the contrary intention appears, apply to all mines to which the Coal Mines Regulation Acts, 1887 to 1905, apply.

(2) This Act shall come into operation, as respects mines in the counties of Northumberland and Durham, on the first day of January nineteen hundred and ten, and elsewhere on the first day of July nineteen hundred and nine.

(3) This Act may be cited as the Coal Mines Regulation Act, 1908, and shall be construed as one with the Coal Mines Regulation Acts, 1887 to 1905, and this Act and those Acts may be cited together as the Coal Mines Regulation Acts, 1887 to 1908.

CHAPTER 58.

An Act to amend the Local Registration of Title (Ireland) Act, 1891. [21st December 1908.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Omission to register may be rectified in certain cases. Definition.

1.—(1) Where any rural district council shall have omitted to register pursuant to the provisions of the Local Registration of Title (Ireland) Act, 1891, its ownership of any parcel of land acquired by it on or before the first day of March nineteen hundred and eight, under the powers of the Labourers (Ireland) Acts, 1883 to 1906, and it shall be shown to the satisfaction of the court that the registered owner of the lands of which such parcel forms a part, had at or before the time when he was registered as owner notice of the acquisition of such parcel by the rural district council, or was otherwise in equity bound to give effect thereto, the court may upon the application of the rural district council, and after such notices as it may direct, order the register to be rectified by inserting therein the district council as registered owners of such parcel, and amending registration as to acreage or otherwise as may be just and necessary, and upon such terms as to costs as to the court shall seem just.

(2) The words "the court" shall have the same meaning as in section thirteen of the Local Registration of Title (Ireland) Act, 1891. 54 & 55 Vict. c. 66.

2. This Act may be cited as the Local Registration of Title (Ireland) Amendment Act, 1908. Short title.

3. This Act shall continue in operation until the third day of December nineteen hundred and ten. Duration.

CHAPTER 59.

An Act to make better provision for the prevention of crime, and for that purpose to provide for the reformation of Young Offenders and the prolonged detention of Habitual Criminals, and for other purposes incidental thereto. [21st December 1908.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

PART I.

REFORMATION OF YOUNG OFFENDERS.

Power of court to pass sentence of detention in Borstal Institution.

1.—(1) Where a person is convicted on indictment of an offence for which he is liable to be sentenced to penal servitude or imprisonment, and it appears to the court—

(*a*) that the person is not less than sixteen nor more than twenty-one years of age; and

(*b*) that, by reason of his criminal habits or tendencies, or association with persons of bad character, it is expedient that he should be subject to detention for such term and under such instruction and discipline as appears most conducive to his reformation and the repression of crime;

it shall be lawful for the court, in lieu of passing a sentence of penal servitude or imprisonment, to pass a sentence of detention under penal discipline in a Borstal Institution for a term of not less than one year nor more than three years:

Provided that, before passing such a sentence, the court shall consider any report or representations which may be made to it by or on behalf of the Prison Commissioners as to the suitability of the case for treatment in a Borstal Institution, and shall be satisfied that the character, state of health, and mental condition of the offender, and the other circumstances of the case, are

such that the offender is likely to profit by such instruction and discipline as aforesaid.

(2) The Secretary of State may by order direct that this section shall extend to persons apparently under such age not exceeding the age of twenty-three as may be specified in the order, and upon such an order being made this section shall, whilst the order is in force, have effect as if the specified age were substituted for "twenty-one": –

Provided that such an order shall not be made until a draft thereof has lain before each House of Parliament for not less than thirty days during the session of Parliament, and if either House, before the expiration of that period, presents an address to His Majesty against the draft or any part thereof, no further proceedings shall be taken thereon, but without prejudice to the making of any new draft order.

Application to reformatory school offences.

2. Where a youthful offender sentenced to detention in a reformatory school is convicted under any Act before a court of summary jurisdiction of the offence of committing a breach of the rules of the school, or of inciting to such a breach, or of escaping from such a school, and the court might under that Act sentence the offender to imprisonment, the court may, in lieu of sentencing him to imprisonment, sentence him to detention in a Borstal Institution for a term not less than one year nor more than three years, and in such case the sentence shall supersede the sentence of detention in a reformatory school.

Power to transfer from prison to Borstal Institution.

3. The Secretary of State may, if satisfied that a person undergoing penal servitude or imprisoned in consequence of a sentence passed either before or after the passing of this Act, being within the limits of age within which persons may be detained in a Borstal Institution, might with advantage be detained in a Borstal Institution, authorise the Prison Commissioners to transfer him from prison to a Borstal Institution, there to serve the whole or any part of the unexpired residue of his sentence, and whilst detained in, or placed out on licence from, such an institution, this Part of this Act shall apply to him as if he had been originally sentenced to detention in a Borstal Institution.

Establishment of Borstal Institutions.

4.—(1) For the purposes of this Part of this Act the Secretary of State may establish Borstal Institutions, that is to say, places in which young offenders whilst detained may be given such industrial training and other instruction, and be subjected to such disciplinary and moral influences as will conduce to their reformation and the prevention of crime, and for that purpose may, with the approval of the Treasury, authorise the Prison Commissioners either to acquire any land or to erect or acquire any building or to appropriate the whole or any part of any land or building vested in them or under their control, and any expenses incurred under this section shall be paid out of moneys provided by Parliament.

(2) The Secretary of State may make regulations for the rule and management of any Borstal Institution, and the constitution of a visiting committee thereof, and for the classification, treatment, and employment and control of persons sent to it in pursuance of this Part of this Act, and for their temporary detention until arrangements can be made for sending them to the institution, and, subject to any adaptations, alterations, and exceptions made by such regulations, the Prison Acts, 1865 to 1898 (including the penal provisions thereof), and the rules thereunder, shall apply in the case of every such institution as if it were a prison.

Power to release on licence.

5.—(1) Subject to regulations by the Secretary of State, the Prison Commissioners may at any time after the expiration of six months, or, in the case of a female, three months, from the commencement of the term of detention, if satisfied that there is a reasonable probability that the offender will abstain from crime and lead a useful and industrious life, by licence permit him to be discharged from the Borstal Institution on condition that he be placed under the supervision or authority of any society or person named in the licence who may be willing to take charge of the case.

(2) A licence under this section shall be in force until the term for which the offender was sentenced to detention has expired, unless sooner revoked or forfeited.

(3) Subject to regulations by the Secretary of State, a licence under this section may be revoked at any time by the Prison Commissioners, and where a licence has been revoked the person to whom the licence related shall return to the Borstal Institution, and, if he fails to do so, may be apprehended without warrant and taken to the institution.

(4) If a person absent from a Borstal Institution under such a licence escapes from the supervision of the society or person in whose charge he is placed, or commits any breach of the conditions contained in the licence, he shall be considered thereby to have forfeited the licence.

(5) A court of summary jurisdiction for the place where the Borstal Institution from which a person has been placed out on licence is situate or where such a person is found may, on information on oath that the licence has been forfeited under this section, issue a warrant for his apprehension, and he shall, on apprehension, be brought before a court of summary jurisdiction, which, if satisfied that the licence has been forfeited, may order him to be remitted to the Borstal Institution, and may commit him to any prison within the jurisdiction of the court until he can conveniently be removed to the institution.

(6) The time during which a person is absent from a Borstal Institution under such a licence shall be treated as part of the time of his detention in the institution: Provided that where that person has failed to return to the institution on the licence being forfeited or revoked, the time which elapses after his

failure so to return shall be excluded in computing the time during which he is to be detained in the institution.

(7) A licence under this section shall be in such form and shall contain such conditions as may be prescribed by regulations made by the Secretary of State.

Supervision after expiration of term of sentence.

6.—(1) Every person sentenced to detention in a Borstal Institution shall, on the expiration of the term of his sentence, remain for a further period of six months under the supervision of the Prison Commissioners.

(2) The Prison Commissioners may grant to any person under their supervision a licence in accordance with the last foregoing section, and may revoke any such licence and recall the person to a Borstal Institution, and any person so recalled may be detained in a Borstal Institution for a period not exceeding three months, and may at any time be again placed out on licence:

Provided that a person shall not be so recalled unless the Prison Commissioners are of opinion that the recall is necessary for his protection, and they shall again place him out on licence as soon as possible and at latest within three months after the recall, and that a person so recalled shall not in any case be detained after the expiration of the said period of six months' supervision.

(3) A licence granted to a person before the expiration of his sentence of detention in a Borstal Institution shall, on his becoming liable to be under supervision in accordance with this section, continue in force after the expiration of that term, and may be revoked in manner provided by the last foregoing section.

(4) The Secretary of State may at any time order that a person under supervision under this section shall cease to be under such supervision.

Transfer of incorrigibles, &c. to prison.

7. Where a person detained in a Borstal Institution is reported to the Secretary of State by the visiting committee of such institution to be incorrigible, or to be exercising a bad influence on the other inmates of the institution, the Secretary of State may commute the unexpired residue of the term of detention to such term of imprisonment, with or without hard labour, as the Secretary of State may determine, but in no case exceeding such unexpired residue.

Treasury contributions towards expenses of societies assisting, &c. persons discharged from Borstal Institutions.

8. Where a society has undertaken the duty of assisting or supervising persons discharged from a Borstal Institution, either absolutely or on licence, there may be paid to the society out of money provided by Parliament towards the expenses of the society incurred in connection with the persons so discharged such sums on such conditions as the Secretary of State, with the approval of the Treasury, may recommend.

Removal from one part of the United Kingdom to another.

9. Where a person has been sentenced to detention in a Borstal Institution in one part of the United Kingdom, the Secretary of State, the Secretary for Scotland or the Lord

Lieutenant of Ireland, as the case may be, may, as authority under this Act for that part of the United Kingdom, direct that person to be removed to and detained in a Borstal Institution in another part of the United Kingdom, with the consent of the authority under this Act for that other part.

Part II.

Detention of Habitual Criminals.

Power of court to pass sentence of preventive detention in addition to penal servitude.

10.—(1) Where a person is convicted on indictment of a crime, committed after the passing of this Act, and subsequently the offender admits that he is or is found by the jury to be a habitual criminal, and the court passes a sentence of penal servitude, the court, if of opinion that by reason of his criminal habits and mode of life it is expedient for the protection of the public that the offender should be kept in detention for a lengthened period of years, may pass a further sentence ordering that on the determination of the sentence of penal servitude he be detained for such period not exceeding ten nor less than five years, as the court may determine, and such detention is herein-after referred to as preventive detention, and a person on whom such a sentence is passed shall, whilst undergoing both the sentence of penal servitude and the sentence of preventive detention, be deemed for the purposes of the Forfeiture Act, 1870, and for all other purposes, to be a person convicted of felony.

33 & 34 Vict. c. 23.

(2) A person shall not be found to be a habitual criminal unless the jury finds on evidence—

(*a*) that since attaining the age of sixteen years he has at least three times previously to the conviction of the crime charged in the said indictment been convicted of a crime, whether any such previous conviction was before or after the passing of this Act, and that he is leading persistently a dishonest or criminal life; or

(*b*) that he has on such a previous conviction been found to be a habitual criminal and sentenced to preventive detention.

(3) In any indictment under this section it shall be sufficient, after charging the crime, to state that the offender is a habitual criminal.

(4) In the proceedings on the indictment the offender shall in the first instance be arraigned on so much only of the indictment as charges the crime, and if on arraignment he pleads guilty or is found guilty by the jury, the jury shall, unless he pleads guilty to being a habitual criminal, be charged to inquire whether he is a habitual criminal, and in that case it shall not be necessary to swear the jury again:

Provided that a charge of being a habitual criminal shall not be inserted in an indictment—

(*a*) without the consent of the Director of Public Prosecutions; and

(*b*) unless not less than seven days' notice has been given to the proper officer of the court by which the offender is to be tried, and to the offender, that it is intended to insert such a charge;

and the notice to the offender shall specify the previous convictions and the other grounds upon which it is intended to found the charge.

(5) Without prejudice to any right of the accused to tender evidence as to his character and repute, evidence of character and repute may, if the court thinks fit, be admitted as evidence on the question whether the accused is or is not leading persistently a dishonest or criminal life.

(6) For the purposes of this section the expression "crime" has the same meaning as in the Prevention of Crimes Act, 1871, and the definition of "crime" in that Act, set out in the schedule to this Act, shall apply accordingly.

31 & 35 Vict. c. 112.

Appeal against sentence to Court of Criminal Appeal. 7 Edw. 7. c. 23.

11. A person sentenced to preventive detention may, notwithstanding anything in the Criminal Appeal Act, 1907, appeal against the sentence without the leave of the Court of Criminal Appeal.

Power in certain cases to commute penal servitude to preventive detention.

12. Where a person has been sentenced, whether before or after the passing of this Act, to penal servitude for a term of five years or upwards, and he appears to the Secretary of State to have been a habitual criminal within the meaning of this Act, the Secretary of State may, if he thinks fit, at any time after three years of the term of penal servitude have expired, commute the whole or any part of the residue of the sentence to a sentence of preventive detention, so, however, that the total term of the sentence when so commuted shall not exceed the term of penal servitude originally awarded.

Detention in prison of persons undergoing preventive detention.

13.—(1) The sentence of preventive detention shall take effect immediately on the determination of the sentence of penal servitude, whether that sentence is determined by effluxion of time or by order of the Secretary of State at such earlier date as the Secretary of State, having regard to the circumstances of the case and in particular to the time at which the convict, if sentenced to penal servitude alone, would ordinarily have been licensed to be at large, may direct.

(2) Persons undergoing preventive detention shall be confined in any prison or part of a prison which the Secretary of State may set apart for the purpose, and shall (save as otherwise provided by this Act) be subject to the law for the time being in force with respect to penal servitude as if they were undergoing penal servitude:

Provided that the rules applicable to convicts and convict prisons shall apply to persons undergoing preventive detention, and to the prisons or parts of prisons in which they are detained, subject to such modifications in the direction of a less rigorous treatment as the Secretary of State may prescribe by prison rules within the meaning of the Prison Act, 1898.

61 & 62 Vict. c. 41.

(3) Persons undergoing preventive detention shall be subjected to such disciplinary and reformative influences, and shall be employed on such work as may be best fitted to make them able and willing to earn an honest livelihood on discharge.

(4) The Secretary of State shall appoint for every such prison or part of a prison so set apart a board of visitors, of whom not less than two shall be justices of the peace, with such powers and duties as he may prescribe by such prison rules as aforesaid.

Power to discharge on licence.

14.—(1) The Secretary of State shall, once at least in every three years during which a person is detained in custody under a sentence of preventive detention, take into consideration the condition, history, and circumstances of that person with a view to determining whether he shall be placed out on licence, and, if so, on what conditions.

(2) The Secretary of State may at any time discharge on licence a person undergoing preventive detention if satisfied that there is a reasonable probability that he will abstain from crime and lead a useful and industrious life or that he is no longer capable of engaging in crime, or that for any other reason it is desirable to release him from confinement in prison.

(3) A person so discharged on licence may be discharged on probation, and on condition that he be placed under the supervision or authority of any society or person named in the licence who may be willing to take charge of the case, or on such other conditions as may be specified in the licence.

(4) The Directors of Convict Prisons shall report periodically to the Secretary of State on the conduct and industry of persons undergoing preventive detention, and their prospects and probable behaviour on release, and for this purpose shall be assisted by a committee at each prison in which such persons are detained, consisting of such members of the board of visitors and such other persons of either sex as the Secretary of State may from time to time appoint.

(5) Every such committee shall hold meetings, at such intervals of not more than six months as may be prescribed, for the purpose of personally interviewing persons undergoing preventive detention in the prison and preparing reports embodying such information respecting them as may be necessary for the assistance of the Directors, and may at any other times hold such other meetings, and make such special reports respecting particular cases, as they may think necessary.

(6) A licence under this section may be in such form and may contain such conditions as may be prescribed by the Secretary of State.

(7) The provisions relating to licences to be at large granted to persons undergoing penal servitude shall not apply to persons undergoing preventive detention.

Provisions as to persons placed out on licence.

15.—(1) The society or person under whose supervision or authority a person is so placed shall periodically, in accordance with regulations made by the Secretary of State, report to the Secretary of State on the conduct and circumstances of that person.

(2) A licence under this Part of this Act may be revoked at any time by the Secretary of State, and where a licence has been revoked, the person to whom the licence related shall return to the prison, and, if he fails to do so, may be apprehended without warrant and taken to prison.

(3) If a person absent from prison under such a licence escapes from the supervision of the society or person in whose charge he is placed, or commits any breach of the conditions contained in the licence, he shall be considered thereby to have forfeited the licence, and shall be taken back to prison.

(4) A court of summary jurisdiction for the place where the prison from which a person has been discharged on licence is situate, or where such a person is found, may, on information on oath that the licence has been forfeited under this section, issue a warrant for his apprehension, and he shall, on apprehension, be brought before a court of summary jurisdiction, which, if satisfied that the licence has been forfeited, shall order him to be remitted to preventive detention, and may commit him to any prison within the jurisdiction of the court until he can conveniently be removed to a prison or part of a prison set apart for the purpose of the confinement of persons undergoing preventive detention.

(5) The time during which a person is absent from prison under such a licence shall be treated as part of the term of preventive detention:

Provided that, where such person has failed to return on the licence being forfeited or revoked, the time which elapses after his failure so to return shall be excluded in computing the unexpired residue of the term of preventive detention.

Power to discharge absolutely.

16. Without prejudice to any other powers of discharge, the Secretary of State may at any time discharge absolutely any person discharged conditionally on licence under this Part of this Act, and shall so discharge him at the expiration of five years from the time when he was first discharged on licence if satisfied that he has been observing the conditions of his licence and abstaining from crime.

PART III.

GENERAL.

Application to Scotland.

17.—(1) Part I. of this Act shall apply to Scotland (with the substitution of an institution under any name prescribed by the Secretary for Scotland for a Borstal Institution) on and after such date as may be determined by the Secretary for Scotland by

order issued under his hand and seal and published in the Edinburgh Gazette, which order shall indicate the date on and after which such an institution will be established in Scotland.

(2) In the application to Scotland of the provisions of this Act, other than those relating to the removal of persons from one part of the United Kingdom to another, "Secretary for Scotland" shall be substituted for "Secretary of State," "Prison Commissioners for Scotland" for "Prison Commissioners" and "Directors of Convict Prisons," "the Prisons (Scotland) Acts, 1860 to 1904" for "the Prisons Acts, 1865 to 1898," "the Prisons (Scotland) Act, 1877," for "the Prison Act, 1898," and "the sheriff" for "a court of summary jurisdiction," and the expression "crime," used in reference to previous convictions, means a crime of which a person has been convicted on indictment. 10 & 11 Vict. c. 53.

(3) Subsection (4) of section ten shall not apply to Scotland, and in lieu thereof the following subsection shall be substituted :—

"In the proceedings under an indictment in pursuance of this section, where at the first diet the accused has pleaded not guilty, at the second diet, unless the accused then pleads guilty, the jury shall in the first instance be sworn, and the accused shall then be tried on so much only of the indictment as charges the said crime, and, if he is found guilty, the same jury shall, unless the accused admits that he is a habitual criminal, be re-sworn to inquire whether he is a habitual criminal. Where at the first diet the accused pleads guilty of the crime, but denies that he is a habitual criminal, the plea shall be recorded, and at the second diet, unless the accused admits that he is a habitual criminal, the jury shall be sworn to inquire whether he is a habitual criminal" :

Provided that where a person is indicted under this section the provisions of section thirty-one of the Criminal Procedure (Scotland) Act, 1887, shall not apply unless the accused intimates his intention to plead guilty of the crime in terms of that section and to admit that he is a habitual criminal, and where the accused intimates his intention as aforesaid the sheriff shall remit him to the High Court of Justiciary for sentence. 50 & 51 Vict. c. 35.

(4) Subsection (6) of section ten shall not apply to Scotland.

(5) Section eleven shall not apply to Scotland and in lieu thereof the following provision shall be substituted :—

"A person sentenced in Scotland to preventive detention may appeal against the sentence to a Court of Appeal which shall consist of not less than three judges of the High Court of Justiciary, and the High Court shall have power from time to time to pass Acts of Adjournal regulating the procedure in such appeals. Every such Act of Adjournal shall, as soon as may be, be laid before both Houses of Parliament."

Application to Ireland.

18. In the application to Ireland of the provisions of this Act, the following modifications shall be made :—

(*a*) References to the Lord Lieutenant shall be substituted for references to the Secretary of State, except in the provision relating to the removal of persons from one part of the United Kingdom to another; and in the provisions relating to regulations under Part I. and to prison rules under Part II. of this Act;

(*b*) The regulations to be made under Part I. and the prison rules to be made under Part II. of this Act shall be made by the General Prisons Board for Ireland subject to the approval of the Lord Lieutenant and Privy Council, and the provisions of section fifty-seven of the General Prisons (Ireland) Act, 1877, shall apply to the said rules;

40 & 41 Vict. c. 49.

(*c*) References to the General Prisons Board for Ireland shall be substituted for references to the Prison Commissioners and Directors of Convict Prisons;

(*d*) References to the Prisons (Ireland) Acts, 1826 to 1907, shall be substituted for references to the Prisons Acts, 1865 to 1898;

(*e*) A reference to the Attorney-General for Ireland shall be substituted for the reference to the Director of Public Prosecutions;

(*f*) The provision relating to appeals to the Court of Criminal Appeal shall not apply, but where any person charged in an indictment with being a habitual criminal is found by a jury under this Act to be a habitual criminal, the provisions of the Crown Cases Act, 1848, as amended by any subsequent enactment, shall, with the necessary modifications, apply in like manner as if the proceedings upon such charge were a trial for an offence to which section one of that Act applies and as if the person had been convicted of such an offence.

11 & 12 Vict. c. 78.

Short title and commencement.

19.—(1) This Act may be cited as the Prevention of Crime Act, 1908.

(2) This Act shall come into operation on the first day of August one thousand nine hundred and nine.

Section 10.

SCHEDULE.

The expression "crime" means, in England and Ireland, any felony or the offence of uttering false or counterfeit coin, or of possessing counterfeit gold or silver coin, or the offence of obtaining goods or money by false pretences, or the offence of conspiracy to defraud, or any misdemeanour under the fifty-eighth section of the Larceny Act, 1861.

CHAPTER 60.

An Act to amend the Law relating to the Pay and Pensions of the Royal Irish Constabulary, and for other purposes connected therewith. [21st December 1908.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Alteration of rates of pay.

1. From and after the passing of this Act the pay of head constables, sergeants, acting sergeants and constables of the Royal Irish Constabulary shall be according to the respective rates specified in that behalf in the schedule to this Act instead of the rates specified in the First Schedule to the Constabulary and Police (Ireland) Act, 1883.

46 & 47 Vict. c. 14.

Retirement and pension of constables becoming members of the force after the passing of the Act.

2.—(1) The provisions of section three of the Constabulary and Police (Ireland) Act, 1883 (relative to the right of constables to pensions), shall, in the case of all constables becoming members of the force after the passing of this Act, have effect with and subject to the following modifications (that is to say):—

(*a*) A constable who is not incapacitated for the performance of his duty by infirmity of mind or body shall not be entitled to retire and receive a pension unless and until he has completed not less than thirty years' service, and is not less than fifty years of age:

(*b*) A constable who has not completed fifteen years' service and is incapacitated for the performance of his duty by infirmity of mind or body shall not be entitled to retire and receive a pension unless the infirmity is occasioned by an injury received in the execution of his duty without his own default:

(*c*) A constable who has not completed fifteen years' service and is incapacitated for the performance of his duty by infirmity of mind or body occasioned otherwise than as aforesaid, and without his own default, may, if the inspector general allows him, retire, and the inspector general, if he thinks fit, may grant him a gratuity.

(2) Any reference in Part I. of the Constabulary and Police (Ireland) Act, 1883, to a service of twenty-five years or to a period of twenty-five years shall, in the case of all constables becoming members of the force after the passing of this Act, be construed as a reference to the period at the expiration of which a constable not being incapacitated by infirmity of mind or body may retire and receive a pension under this section.

Increase of widows' pensions.

3. Where a constable without his own default loses his life from the effect of an injury received in the execution of his duty, the pension granted to the widow of the constable under the Constabulary and Police (Ireland) Act, 1883, may, with the

consent of the Treasury, be in excess of the maximum amount fixed for such pension in the pension scale under that Act, so that the excess be not in any case greater than one half of that maximum amount.

Amendment of 46 & 47 Vict. c. 14, s. 3 (5).

4. The inspector general may, with the consent of the Treasury, grant to any constable in whose case the requirements of subsection (5) of section three of the Constabulary and Police (Ireland) Act, 1883, are not fully complied with, a reduced pension of such amount as the inspector general may determine, being less than the amount which the constable would be qualified to receive if those requirements were fully complied with.

Extension of 45 & 46 Vict. c. 63, s. 3.

5. The provisions of section three of the Constabulary (Ireland) Amendment Act, 1882 (relative to pensions and allowances), shall, with the necessary modifications, apply to every assistant inspector general of the Royal Irish Constabulary who has retired since the first day of January nineteen hundred and eight, or who retires at any time after the passing of this Act, in like manner as they apply to county inspectors and district inspectors of that force.

Calculation of pensions.

6. Any pension, pension allowance, or gratuity granted after the passing of this Act to a constable, or to the widow and children of a constable, or any of them, shall be calculated with reference to the scale of pay specified in the First Schedule to the Constabulary and Police (Ireland) Act, 1883, as amended by this Act, subject to the following exceptions in the case of constables who became members of the force before the passing of this Act (that is to say):—

(*a*) Where any such constable retires before he has completed thirty years' service and attained the age of fifty years (not being incapacitated for the performance of his duty by infirmity of mind or body), the pension of such constable shall be calculated with reference to the scale of pay which he would be entitled to receive if this Act had not passed; and

(*b*) A constable who became a member of the force before the tenth day of August one thousand eight hundred and sixty-six shall be pensioned in accordance with and subject to the provisions of section ten of the Constabulary and Police (Ireland) Act, 1883, relating to the pensions of men appointed before that date.

Interpretation.

7. For the purposes of this Act, unless the context otherwise requires, the expression "constable" means a constable of the Royal Irish Constabulary, and includes a head constable major, head constable, sergeant, and acting sergeant of that force.

Extent and citation.

8. This Act applies to Ireland only, and may be cited as the Constabulary (Ireland) Act, 1908, and may be cited with the Constabulary (Ireland) Acts, 1836 to 1897.

SCHEDULE.

Section 1.

RATES OF PAY.

	Weekly Pay. s.	d.
Head constable :		
Five years' service in that rank and over	40	0
Under five years' service	37	6
Sergeant :—		
Four years' service in that rank and over	32	0
Under four years' service	30	0
Acting sergeant	29	0
Constable :		
Twenty-five years' service and over	28	0
Fifteen to twenty-five years' service	27	0
Thirteen to fifteen years' service	26	0
Eleven to thirteen years' service	25	0
Seven to eleven years' service	24	0
Four to seven years' service	22	0
Six months' to four years' service	21	0
Under six months' service	15	0

CHAPTER 61.

An Act to provide further facilities for the erection of Houses for the Working Classes in Cities and Towns in Ireland. [21st December 1908.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Extension of period of repayment of loans.

1.—(1) The maximum period which may be sanctioned as the period for which money may be borrowed by a local authority for the purposes of the Housing of the Working Classes Acts shall be eighty years, and as regards money so borrowed eighty years shall be substituted for sixty years in section two hundred and thirty-eight of the Public Health (Ireland) Act, 1878, and the Commissioners of Public Works in Ireland may make advances by way of loan to any local authority for the said purposes for such period (not exceeding eighty years) as may be sanctioned by the Local Government Board.

41 & 42 Vict. c. 52.

(2) The local authority shall not be required, during the two years immediately following the exercise of any borrowing powers for the purposes of the said Acts, to pay off any portion of the principal moneys so borrowed by them, or to pay any money into a sinking fund for the redemption thereof.

(3) Borrowing powers shall, for the purposes of this section, be deemed to be exercised upon the date of the execution of the mortgage or other instrument securing the loan.

Removal of limitation on borrowing powers.

2. Money borrowed for the purposes of the Housing of the Working Classes Acts, whether borrowed before or after the passing of this Act, shall not be reckoned as part of the debt of the local authority for the purpose of the limitation on borrowing contained in section two hundred and thirty-eight of the Public Health (Ireland) Act, 1878.

Re-borrowing to pay off loans.

3.—(1) In addition to any existing powers of borrowing for the purposes of the Housing of the Working Classes Acts, a local authority may, from time to time, with the consent of the Local Government Board, during the period which was fixed for the discharge of any loan raised by them under the said Acts, borrow on the like security such amount as may be required for the purpose of paying off the whole or any part of such loan, or, if any such loan has been repaid otherwise than by capital money, for re-borrowing the amount so repaid, and for the purpose of this section the expression "capital money" shall be deemed to include any instalments, annual appropriations, and sinking fund, and proceeds of the sale of land or other property, but does not include money previously borrowed for the purpose of repaying a loan:

Provided that it shall not be obligatory upon the Commissioners of Public Works in Ireland to lend money to any local authority for any of the purposes authorised by this section.

(2) All money re-borrowed under this section shall be repaid within the period fixed for the discharge of the original loan, and every loan for re-borrowing shall, for the purpose of the ultimate discharge, be deemed to form part of the same loan as the original loan, and the obligations of the local authority with respect to the discharge of the original loan shall not be in any way affected by means of the re-borrowing.

Application of dormant portion of Irish Suitors' Fund to purposes of Housing Acts.

4.—(1) The Bank of Ireland shall, out of the fund of suitors in the Supreme Court, upon the order of the Lord Chancellor, pay to the Local Government Board, for the purposes of the Housing of the Working Classes Acts, the sum of eighty thousand pounds.

(2) The Accountant General of the Supreme Court of Judicature in Ireland shall, on the order of the Lord Chancellor, out of the new Two and a half Per Centum Consolidated Stock forming portion of the fund of suitors in the Supreme Court and standing to the credit of the general ledger account kept by him for dormant balances, and the unclaimed order and residue account, Land Judge's Court, transfer to the Local Government Board, for the purposes of the Housing of the Working Classes Acts, stock to the nominal value of one hundred thousand pounds.

(3) The Local Government Board shall, on such transfer as aforesaid being made, forthwith sell such stock so transferred and invest the proceeds thereof, together with the said sum of eighty thousand pounds, in any securities in which trustees are authorised by the Irish Land Act, 1903, to invest trust moneys, and the annual income of such investment shall be applied in the manner directed by this Act. 3 Edw. 7. c. 37

(4) If it happens that the moneys or securities standing to the credit of the account of the suitors in the Supreme Court are at any time reduced to a sum not sufficient to meet the demands upon them or either of them, then the Treasury, so as to afford a complete indemnity to the suitors for any loss which they might sustain by reason of the passing of this Act, shall advance out of the Consolidated Fund or the growing produce thereof such sum as they may think necessary, not exceeding in the whole the sum of eighty thousand pounds and the amount which would be realised at the date of such demands as aforesaid by the sale of the securities transferred in pursuance of this section, together with the dividends that would have accrued thereon if such securities had not been so transferred.

Creation and application of Irish Housing Fund.

5.—(1) The investments directed by section four of this Act shall form and in this Act are referred to as "the Irish Housing Fund."

(2) For the purpose of allocating and paying the annual income of the Irish Housing Fund the Local Government Board shall, in every local financial year, ascertain and certify the amount which, as at the beginning of that year, each local authority is, in accordance with the provisions of subsection (4) of section two hundred and thirty-eight of the Public Health (Ireland) Act, 1878, as amended by this Act, liable to pay or to set apart in the course of that year in respect of moneys borrowed by the authority after the passing of this Act for the purposes of the Housing of the Working Classes Acts (in this section referred to as "the annual housing charge"), and shall allocate and pay the said income received during that year to and amongst the local authorities in manner following, that is to say, to each local authority liable in respect of an annual housing charge as aforesaid a sum that will bear the same proportion to the annual housing charge of that authority as the total amount of the said income so received as aforesaid will bear to the total amount of the annual housing charges of all local authorities in Ireland, provided that the sum so payable to any local authority shall not exceed the amount of the annual housing charge of the authority.

(3) In ascertaining the amount of the annual housing charge of any local authority, no account shall be taken of any sums payable or liable to be set apart by the authority in respect of moneys re-borrowed for the discharge of loans raised before the passing of this Act.

(4) Any income of the Irish Housing Fund received prior to the first day of April one thousand nine hundred and nine shall, for the purposes of this section, be treated as income received during the local financial year which begins on that day.

(5) Any sum payable to a local authority under this section shall be applied in or towards payment of the annual housing charge of the local authority.

(6) So much of the annual income of the Irish Housing Fund as is not distributed under the foregoing provisions of this section shall be added to the principal of the said fund and invested accordingly.

Extension of 6 Edw. 7. c. 37. s. 6 to proceedings under Act of 1890.

6.—(1) Where a petition is presented by a local authority to the Local Government Board for an Order—

(*a*) confirming an improvement scheme under Part I. of the Act of 1890; or

(*b*) sanctioning a reconstruction scheme under Part II. of that Act; or

(*c*) authorising the acquisition of land for the purposes of Part III. of that Act;

the provisions of section six of the Labourers (Ireland) Act, 1906, shall, with the necessary modifications, apply in the case of the petition and the subsequent proceedings and orders thereon in like manner as they apply in the case of an improvement scheme under the Labourers (Ireland) Acts, 1883 to 1906, and the Lord Lieutenant in Council may make such adaptations of those provisions as appear to him to be necessary or expedient for carrying this section into effect.

(2) For the purposes of this section, section two hundred and three of the Public Health (Ireland) Act, 1878, and section seven of the Act of 1890 shall have effect with the following modifications, that is to say, the advertisements mentioned in those sections respectively may be published in any month, and the notices mentioned in those sections respectively shall be served in the month next following the month in which the advertisements are published.

(3) The provisions of this section shall extend to all petitions which are pending at the passing of this Act.

Exercise of housing powers outside district.

7. Where a local authority have adopted Part Three of the Act of 1890 they may, for supplying the needs of their district, establish or acquire lodging-houses for the working classes outside their district, and they shall have the same powers of borrowing, in respect of anything done under this section, as such authority have in respect of anything done for the purposes of the Housing of the Working Classes Acts within their district:

Provided always that no lodging-houses shall be established or acquired by any local authority under the provisions of this section save with the consent of the Local Government Board and of any urban or rural district council within whose district it is proposed to establish or acquire such lodging-houses.

Leases by local authority for building working-class houses.

8.—(1) The local authority, with the consent of the Local Government Board, may let on lease, for any period they may think fit, any land acquired by them under and for the purposes of Part Three of the Act of 1890 to any company, society, or association for the purpose of constructing or improving, or of facilitating or encouraging the construction or improvement of, dwellings for the working classes, for the purpose and under the condition that the lessees shall carry the said Act into execution by building and maintaining on the land lodging-houses within the meaning of the Act.

(2) Any lease executed under the powers of this section shall contain all necessary provisions for ensuring the user of the land and buildings for lodging-houses within the meaning of the said Act, and in particular there shall be inserted provisions binding the lessees to build on the land as in the lease prescribed, and repair and maintain the buildings, and securing the user of the buildings exclusively as lodging-houses within the meaning of the Act, and prohibiting any addition to or alteration of the character of the buildings without the consent of the local authority, and also a provision for the re-entry of the local authority on the land on the breach of any of the terms of the lease; and every deed or instrument of demise shall be endorsed with notice of this subsection.

(3) Any such lease as aforesaid shall reserve such rent as the local authority may, with the consent of the Local Government Board, determine: Provided that the local authority may, with the like consent, accept, during such period (not exceeding five years) as they may determine, such abated rent in lieu of the rent so reserved as they may think fit.

Amendment of law as to closing and demolition orders.

9.—(1) Where proceedings are taken by the local authority under section thirty-two of the Act of 1890 for the purpose of causing a dwelling-house to be closed, the court, in addition to or instead of making an order under that section, may order such dwelling-house to be demolished, unless, within such period as may be prescribed in the order, such dwelling-house be rendered fit, to the satisfaction of the local authority, for human habitation; and where such demolition order has been made and the dwelling-house is not within the time prescribed by the order rendered fit to the satisfaction of the local authority for human habitation, the order shall be carried into effect in manner provided by section thirty-four of the said Act: Provided that, where proceedings are taken against the occupier, notice of such proceedings shall be served on the owner.

(2) Section thirty-three of the said Act shall be repealed so far as it is inconsistent with this section.

Power to recover cost of demolition.

10. Section nine of the Act of 1903 shall extend to Ireland.

Amendment of 8 & 9 Vict. c. 18.

11. For the purposes of the Housing of the Working Classes Acts, sections seventy-one and seventy-two of the Lands Clauses Consolidation Act, 1845, as amended by the Second Schedule to

the Act of 1890, shall have effect as if "sixty pounds" were substituted therein for "twenty pounds." Provided that the sums paid under the provisions of section seventy-two of the first-mentioned statute by any particular local authority, in respect of any interest in land taken under any scheme or schemes, to a person or persons not absolutely entitled to the interest purchased shall not exceed in the aggregate three hundred pounds.

Donations for housing purposes.

12. A local authority may accept a donation of land or money or other property for any of the purposes of the Housing Acts.

Extension to certain towns of Part II. of Act of 1890.

13. Any town commissioners, within the meaning of section ninety-nine of the Act of 1890, may, if they think fit, with the sanction of the Local Government Board, adopt Part II. of the Act of 1890 in like manner as they may adopt Part III. of that Act, and the Housing of the Working Classes Act, 1893, and the provisions of section ninety-nine and of section one hundred of the Act of 1890 shall apply accordingly with this modification, that any references therein to Part III. of the Act of 1890 shall be construed as references to Part II. of that Act.

Rates of interest on loans.

14. Where a loan is made by the Commissioners of Public Works in Ireland to a local authority for any purposes of the Housing of the Working Classes Acts—

(*a*) the loan shall be made at the minimum rate of interest for the time being allowed for loans out of the Local Loans Fund; and

(*b*) as between loans for different periods the longer duration of the loan shall not be taken as a reason for fixing a higher rate of interest.

Short title. 53 & 54 Vict. c. 70. 56 & 57 Vict. c. 33. 57 & 58 Vict. c. 55. 59 & 60 Vict. c. 11.

15. This Act may be cited as the Housing of the Working Classes (Ireland) Act, 1908, and shall be read as one with the Housing of the Working Classes Act, 1890; the Housing of the Working Classes Act, 1893; the Housing of the Working Classes Act, 1894; and the Housing of the Working Classes (Ireland) Act, 1896; and those Acts and this Act may be cited collectively as the Housing of the Working Classes (Ireland) Acts, 1890 to 1908.

Interpretation of terms.

16. In this Act, unless the context otherwise requires,—

The expression "Local Government Board" means the Local Government Board for Ireland;

The expression "local financial year" means the twelve months ending the thirty-first day of March;

The expression "purposes of the Housing of the Working Classes Acts" means any purposes authorised by the Housing of the Working Classes (Ireland) Acts, 1890 to 1896, or by any of those Acts, or by this Act;

"The Act of 1890" means the Housing of the Working Classes Act, 1890;

"The Act of 1900" means the Housing of the Working Classes Act, 1900; 63 & 64 Vict. c. 59.

"The Act of 1903" means the Housing of the Working Classes Act, 1903; 3 Edw. 7. c. 39.

The expression "owner" has the same meaning as in the Public Health (Ireland) Act, 1878;

The expression "working classes" shall include mechanics, artizans, labourers, and others working for wages, hawkers, costermongers, persons not working for wages but working at some trade or handicraft without employing others except members of their own family, and persons, other than domestic servants, whose income in any case does not exceed an average of thirty shillings a week, and the families of any of such persons who may be residing with them.

The expression "the fund of suitors in the Supreme Court" and "the Lord Chancellor" shall have the same meanings respectively as they have in the Four Courts Library Act, 1894. 57 & 58 Vict. c. 4.

17. This Act shall come into operation on the passing thereof. Commencement of Act.

18. This Act shall extend to Ireland only. Extent of Act.

CHAPTER 62.

An Act to amend the Law relating to County Government, and to Roads and Bridges and the use of Locomotives thereon, in Scotland. [21st December 1908.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Local Government (Scotland) Act, 1908, and this Act and the Local Government (Scotland) Act, 1889 (herein-after called the principal Act), the Local Government (Scotland) Act, 1894, and the Local Government (Scotland) Act, 1894, Amendment Act, 1895, may be cited together as the Local Government (Scotland) Acts, 1889 to 1908. Short title. 52 & 53 Vict. c. 50. 57 & 58 Vict. c. 58. 58 Vict. c. 1.

2. This Act shall extend to Scotland only. Extent of Act.

3.—(1) A county council may, with the consent of the Secretary for Scotland, and subject to the provisions of the principal Act and this Act or any local Act with regard to capital expenditure,— Power to provide county buildings and dwellings.

(*a*) Construct, reconstruct, or extend county buildings, and provide, erect, alter, enlarge, and maintain such additional county buildings as may from time to time

be necessary; and the expression "county buildings" shall for the purposes of this section mean any buildings (whether together or in different places, and whether in conjunction or not with court-houses under the Sheriff Court-Houses (Scotland) Acts, 1860 to 1884, or with court-houses under any local Act) for the transaction of the business of the county council, or of quarter sessions, justices of the peace, or any licensing court or court of appeal for which a county council is liable to provide accommodation under the Licensing (Scotland) Act, 1903;

3 Edw. 7, c. 25.

(*b*) On the application of a district committee, provide, erect, alter, enlarge, and maintain buildings for the transaction of the business of such committee; and

(*c*) Provide, erect, alter, enlarge, and maintain dwellings for constables (within the meaning of the Police (Scotland) Act, 1890) of the county police force, and for road workmen employed in the administration of the Roads and Bridges (Scotland) Act, 1878: but subject always to the condition that no dwellings shall be provided for constables except on the requisition of the police committee, or for road workmen except on the requisition of the district committee or committees employing such workmen subject to the approval of the county road board, and in a county which is not divided into districts on the requisition of the county road board.

53 & 54 Vict. c. 67.

41 & 42 Vict. c. 51.

(2) A county council may, with the consent of the Secretary for Scotland, excamb or alienate any buildings, lands, or heritages provided by or vested in the county council.

(3) The expenditure incurred by a county council in constructing, reconstructing, and extending county buildings, and in providing, erecting, altering, enlarging, and maintaining county buildings under this section, and in providing or acquiring land for county buildings, shall be allocated by the county council, so far as such buildings are appropriated to the use of the police committee, to the police assessment leviable within the county or any separate police district or districts thereof, and so far as not so allocated shall, subject as herein-after provided, be defrayed out of the county general assessment or (either in whole or in part) out of such other assessment or assessments as may be fixed by the sheriff on appeal in terms of this section.

(4) The expenditure incurred by a county council in providing, erecting, enlarging, altering, and maintaining buildings for the transaction of the business of a district committee, and in providing, erecting, altering, enlarging, and maintaining dwellings under this section, and in providing or acquiring land for the said purposes, shall be allocated by the county council to the appropriate assessment or assessments leviable in the county or a district or districts thereof, having regard to

the purpose of the expenditure in each case, and shall be defrayed out of the same respectively, as the case may be.

(5) Notwithstanding anything herein-before contained expenditure incurred under this section for police purposes shall not be charged against a burgh or police burgh which maintains a separate police force, and expenditure incurred under this section in connection with buildings for the transaction of the business of a district committee or dwellings for road workmen shall not be charged against a police burgh which has the management and control of the highways therein.

(6) The town council of any burgh or police burgh may, if dissatisfied with any allocation of expenditure under this section, or if they consider that the whole or part of such expenditure, so far as proposed to be charged against the burgh or police burgh, should not be so charged, but should in whole or in part be defrayed out of an assessment not leviable on or within the burgh or police burgh respectively, appeal to the sheriff (not being a sheriff substitute), and the sheriff's decision shall be final.

(7) Nothing in this section contained shall affect or derogate from the provisions of the Sheriff Court-Houses (Scotland) Acts, 1860 to 1884, or any local Act relating to court-houses, or apply to any buildings belonging in part to a town council, or which a town council has the right to use, without the consent of the town council.

Additional borrowing powers of county council.

4. A county council may from time to time, subject to the provisions of section sixty-seven of the principal Act, borrow such sums as may be required for any capital works undertaken in pursuance of the immediately preceding section.

Powers for acquisition of land by county council.

5.—(1) A county council may, from time to time, for the purposes of any of the powers and duties transferred to or conferred on them by the principal Act or this Act, including powers and duties which are to be exercised by or through the police committee or the county road board, acquire, purchase, or take on lease any land.

(2) For the purpose of the acquisition of land by a county council under the principal Act or this Act, the Lands Clauses Acts shall be incorporated with the said Acts, except the provisions of these Acts relating to the purchase and taking of land otherwise than by agreement.

(3) With respect to the purchase and taking of land otherwise than by agreement by a county council under the principal Act or this Act, section one hundred and forty-five of the Public Health (Scotland) Act, 1897, shall (excepting subsection (10) thereof) apply as if it were herein re-enacted and in terms made applicable to a county council.

60 & 61 Vict. c. 38.

Re-adjustment of valuation boundaries.

6.—(1) The words "or the limits within which the valuation " roll for a county or burgh is made up as at the passing of this " Act, or the right of assessing for the cost of making up such " valuation roll or the register of parliamentary voters for any

"county or division or burgh," occurring in section ninety-five of the principal Act are hereby repealed.

(2) Where the effect of an Order of the Boundary Commissioners for Scotland appointed under the principal Act, or of any Act to confirm an Order of the said Commissioners, or of an Order of the Secretary for Scotland under section fifty-one of the principal Act, is to transfer part of a county to another county, the lands and heritages so transferred shall, in the year beginning the fifteenth day of May next after the passing of this Act and in subsequent years, be omitted from the valuation roll of the county from which they are transferred, and shall, for all the purposes of the Valuation Acts, and for all assessments (including the county registration assessment), be deemed to be within the county to which they are transferred, provided that so long as it is necessary that the lands and heritages so transferred from one county (herein referred to as the first-named county) to another county (herein referred to as the latter county) shall remain within the first-named county for the purposes of the Acts in force for the time being relating to the registration of parliamentary voters:—

(*a*) The assessor of the latter county shall, with a view to the registration of parliamentary voters within the area transferred, give to the assessor of the first-named county a list of the qualified voters within such area, and, if necessary, access to and use within the office of the assessor of the latter county of all books and schedules necessary to enable him to complete his list of county voters, and shall from time to time, not later than the tenth day of September in each year, transmit to the assessor of the first-named county a certified copy of so much of the valuation roll of the latter county as relates to the lands and heritages transferred; and

(*b*) The county council of the latter county shall, in respect of the local financial year beginning the fifteenth day of May next after the passing of this Act, and annually thereafter, pay to the county council of the first-named county such proportion of the expenses payable by the county council of the first-named county for the registration of parliamentary voters within the parliamentary division in which the area transferred is situated as the number of such voters registered yearly in the area transferred shall bear to the total number of parliamentary voters registered yearly in such parliamentary division, and such payment shall be added to the expense of making up the parliamentary register of the latter county, and shall be defrayed and provided for as if it were part thereof.

(3) Where the boundaries for police purposes of a parliamentary burgh differ from the boundaries thereof for parliamentary purposes, the boundaries for the time being of the said parliamentary burgh for police purposes shall, from and after the

fifteenth day of May next after the passing of this Act, be also the boundaries thereof under and for the purposes of the Valuation Acts; and, with respect to any area affected by this enactment, paragraphs (*a*) and (*b*) of the immediately preceding subsection shall apply with the necessary substitutions. If any question shall arise as to the application of this subsection in the case of any parliamentary burgh, such question shall be referred to the Secretary for Scotland, whose determination shall be final. Provided that, for the purposes of this subsection, the police burgh of Maxwelltown shall be held not to form part of the parliamentary burgh of Dumfries.

(4) The provisions of this section shall not affect any proceedings taken in pursuance of any valuation roll made up in terms of the Valuation Acts for the year ending the fifteenth day of May next after the passing of this Act.

Provisions as to valuation appeal courts. 17 & 18 Vict. c. 91. 30 & 31 Vict. c. 80. 42 & 43 Vict. c. 42.

7.—(1) Section eight of the Lands Valuation (Scotland) Act, 1854, shall be amended by the substitution of the word "nineteenth" for the word "fifteenth" occurring therein.

(2) Section eight of the Valuation of Lands (Scotland) Amendment Act, 1867, and section seven of the Valuation of Lands (Scotland) Amendment Act, 1879, shall be read and construed as if such sections respectively provided for the nomination of three instead of two judges in the Court of Session.

Fire engines, &c. may be provided by county council.

8.—(1) The county council may purchase or provide, for use in the whole county or in any one or more districts or special districts thereof, such engines (whether mechanically propelled or other) for extinguishing fire, and such water buckets, pipes, and other appurtenances for such engines, and such fire-escapes and other implements, vehicles (whether mechanically propelled or other), or articles, for safety or use in case of fire, and may purchase, keep, or hire such horses for drawing such engines, and may arrange for such telegraphic or telephonic connections, as they think fit, and may build, provide, or hire places for keeping such engines and horses with their appurtenances, and may insert fireplugs, and may employ a proper number of persons to act as firemen, and may appoint a firemaster or firemasters (who shall be superintendent or superintendents of the fire brigade or fire brigades), any or all of which persons may, with the consent of the police committee, be members of the police force, and may make such rules for their regulation as they think proper, and pay to such firemaster or firemasters and firemen such salaries and such rewards for their exertions in cases of fire as they think fit.

(2) Two or more county councils may combine for all or any of the purposes of the immediately preceding subsection, and without prejudice to the provisions of section two hundred and ninety-eight of the Burgh Police (Scotland) Act, 1892, a county council may enter into an agreement with the town council of any burgh or police burgh or with any other county council for making the fire engines belonging to such county or town council, with their appurtenances, regularly available for use

55 & 56 Vict. c. 55.

within the county or any district or special district thereof, or burgh or police burgh, on such terms and subject to such conditions as shall be specified in the agreement.

(3) Any expenditure incurred in carrying out the purposes of this section or any of them shall be apportioned to and paid out of the public health general assessment leviable within the county or (where the county is divided into districts) within any district thereof or within any special district thereof in which such fire brigades are made available, or in the case of a special district out of any special district assessment leviable therein, and that in such proportions as the county council may direct. The county council may borrow for such of the purposes of this section as the Secretary for Scotland may by order prescribe on the security of the assessment or assessments aforesaid.

(4) The said engines and their appurtenances may be used, and the firemen may be employed, beyond the boundaries of the county or a district or special district thereof, for extinguishing fires in the neighbourhood of the said county or district; and the owner or, if the county council or combination think fit, the occupier of the premises in which such fire shall have occurred shall in such case (unless the premises are situated in a county or district within which the engines and their appurtenances are regularly available for use under an agreement as by this section authorised) defray the expenses attending such fire, and shall also pay to the county council a reasonable charge for the use of such engines and their appurtenances and for the attendance of the firemen.

(5) In case of any difference between the county council and any owner or occupier, the amount payable as aforesaid shall be determined summarily by the sheriff, whose decision shall be final.

(6) The firemaster shall (where necessary for the purposes of this section) make up and deliver to the county council a statement of the expenses attending a fire, which shall include the wages payable to the firemen and other persons employed at it, the rewards, if any, which he recommends to be given to them, and the outlay incurred in taking them and the engines to the place where such fire occurred, and in obtaining a supply of water and other like expenses; and such statement, in so far as approved of or modified by the county council, shall be prima facie evidence of the amount of expenses attending such fire.

(7) For the purposes of this section, a county council or combination shall have the same powers and duties as those assigned to town commissioners within the meaning of the Waterworks Clauses Act, 1847.

10 & 11 Vict. c. 17.

(8) The county council may, through their employees, for the purpose of extinguishing or preventing the spread of fire, take and use any convenient or suitable supply of water, but shall be liable to pay compensation to any person who shall suffer loss thereby and to make payment to the local authority or other person entitled thereto for the water used.

(9) A telegraphic or telephonic connection under this section shall not be used in contravention of the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act, 1869. 32 & 33 Vict. c. 73.

Procedure in election and meetings of county council. 57 & 58 Vict. c. 58.

9.—(1) Subsection (1) of section sixteen of the Local Government (Scotland) Act, 1894, shall be read as if for the words "third" and "second" occurring therein there were substituted the words "fourth" and "third" respectively, and subsection (3) thereof shall be read as if the word "second" were inserted before the word "Tuesday" occurring therein, and as if the word "immediately" were omitted.

(2) The annual general meeting of the county council appointed by the principal Act to be held on the third Tuesday of December shall be held either on that day or, if the county council determine another day in the month of December, on the day so determined; and in such case any reference in the principal or any other Act to the general meeting, or to a meeting of justices of the peace, on the third Tuesday of December shall be construed as a reference to the general meeting or to a meeting of justices of the peace on the day so determined.

Application to counties of provisions of Burgh Police (Scotland) Act, 1892. 52 & 53 Vict. c. 50. 55 & 56 Vict. c. 55.

10. Without prejudice to the provisions of section fifty-seven of the principal Act, or to any byelaws made thereunder—

(1) The provisions of sections four hundred and eight, four hundred and ten, four hundred and eleven, four hundred and nineteen to four hundred and twenty-five inclusive, and four hundred and thirty of the Burgh Police (Scotland) Act, 1892, shall extend and apply to counties outwith police burghs:

(2) A county council may at a meeting called after due notice by resolution adopt, within any special lighting, scavenging, drainage, or water district, formed under the Local Government (Scotland) Act, 1894, or the Public Health (Scotland) Act, 1897, sections one hundred and forty-four, one hundred and forty-five, one hundred and fifty-eight, and one hundred and ninety-one to two hundred (as amended by the Burgh Police (Scotland) Act, 1903) inclusive, of the Burgh Police (Scotland) Act, 1892, or any one or more of such sections, and after a date to be specified in the resolution the adopted section or sections shall have effect in such district in like manner respectively as if they were herein re-enacted, provided that, where a county is divided into districts, such resolution shall not be competent except upon the requisition of a district committee: 60 & 61 Vict. c. 38. 3 Edw. 7. c. 33.

(3) Provided that in such sections as applied or adopted in terms of this section there shall be substituted the expression "county" for "burgh," and "sheriff or any two or more justices of the peace" for "magistrate," and "road" for "street," and "county council" for

"commissioners," and "county or district sanitary inspector" for "surveyor" or "surveyor of the commissioners" and "county clerk" for "clerk," and "procurator fiscal" for "burgh prosecutor," and "special district rate" for "burgh general assessment" or "general improvement rate" occurring therein respectively.

Regulation of piers and ferries by county council. 62 & 63 Vict. c. 50.

11.—(1) In order to remove doubts which have arisen as to the regulation of piers and ferries, it is hereby provided that section sixteen of the principal Act shall be read and construed as if it had transferred to the county council the powers and duties in regard to piers and ferries or accesses thereto within the county, belonging to and exercised by road trustees under their local Acts before the commencement of the said Act.

(2) The administrative powers and duties of the justices of the peace of the county in general or special or quarter sessions assembled in respect of ferries and accesses thereto shall so far as exerciseable within a county be transferred to and vested in the county council.

(3) As soon as may be after the passing of this Act and from time to time thereafter, every county council shall make up and publish a list of the ferries within their jurisdiction and may prepare for any such ferry a schedule of rates or fares exigible for the use thereof, to which as approved in terms of this section the persons owning or working the ferry shall be obliged to conform, subject, in the event of failure so to conform, to a penalty not exceeding five pounds, which the county council are hereby empowered to recover summarily. Such schedule shall not take effect unless and until it has been submitted to and approved by the sheriff after such notice by publication or otherwise as the sheriff may prescribe. Such schedule as approved shall be exhibited at a conspicuous part of each landing stage, or of the shore or bank at each end of such ferry. Where such ferry is partly in one county and partly in another, or partly in a county and partly in a burgh, the provisions of the principal Act respecting a joint committee shall apply for the purposes of this section.

(4) It shall be the duty of the proprietor of a pier or ferry who is not under any obligation to maintain and who intends to discontinue the maintenance of the same to notify the county council in writing of his intention, and, upon such notification, the county council may, if they think fit, and if such pier or ferry appears to them to be of public utility, take over and maintain the same, and levy rates thereat, either themselves or by their lessees, according to a schedule of rates to be prepared and approved as provided in the immediately preceding subsection, and may defray the costs and expenses (if any) of the maintenance of such pier or ferry out of the road rate, and, subject to any agreement as to the use of the pier or ferry by the proprietor, the whole powers, duties, and liabilities of such proprietor in regard to such pier or ferry shall be transferred

to the county council as at the date when it shall be so taken over.

(5) The provisions of this section shall not apply to any pier or ferry vested in or belonging to or worked by any railway company or any river or navigation trustees or other authority or person under any Act of Parliament or Provisional Order confirmed by Act of Parliament, or to any pier or ferry belonging to or under the control of the magistrates and council of any burgh.

(6) Any person who thinks himself aggrieved by any resolution or act of a county council under the powers conferred by this section or the immediately preceding section shall have the like right of appeal, and subject to the like incidents, as a person who thinks himself aggrieved by the act of a town council has under the Burgh Police (Scotland) Acts, 1892 to 1903.

(7) Nothing in this section contained shall authorise any ferry rates or tolls to be demanded or received by a county council for the conveyance of any person when on duty in the service of the Crown or any Government Department, or of any goods for the service or being the property of the Crown or any Government Department, or of any postal packets within the meaning of the Post Office (Protection) Act, 1884. 47 & 48 Vict. c. 76.

(8) Section twenty-eight of the Harbours, Docks, and Piers Clauses Act, 1847, shall be incorporated with this section. 10 & 11 Vict. c. 27.

12. The words "not exceeding the rates specified in the "schedule annexed to the Burgh Harbours (Scotland) Act, 1853," occurring in section two, subsection 4 (*b*), of the Western Highlands and Islands (Scotland) Works Act, 1891, are hereby repealed. Amendment of 54 & 55 Vict. c. 58.

13. A county council may from time to time in terms and subject to the provisions of the principal Act make byelaws for licensing, registering, and regulating all hackney coaches, omnibuses, or carriages of any kind or description adapted for the carriage of persons and plying for hire within the county, and the owners and drivers thereof, as they shall think fit: Provided that no such byelaw shall apply to any hackney coach, omnibus, or carriage duly licensed by a town council: and provided further that the court before which any offence against any such byelaw is prosecuted may suspend or revoke any licence, on the holder of such licence being convicted of such offence, in addition to or in lieu of the penalty applicable to such offence. Licensing of hackney carriages by county councils.

14.—(1) Notification shall be given in the Edinburgh Gazette, and in one or more newspapers circulating in the district, of any requisition or proposal to form, enlarge, limit, or combine a special district under the provisions of subsection (1) of section one hundred and twenty-two or of subsection (1) of section one hundred and thirty-one of the Public Health (Scotland) Act, 1897, or of subsection (1), (2), or (5) of section Procedure as to formation, &c. of special districts in counties. 60 & 61 Vict. c. 38.

57 & 58 Vict. c. 58.

fourty-four of the Local Government (Scotland) Act, 1894, at least twenty-one days before the meeting of the local authority.

(2) Notification of a resolution of a district committee or the county council, as the case may be, in terms of any of the said sections shall in addition to the publication required thereby be published, along with a notice stating where the full terms of the resolution and a map or plan showing the boundaries of the proposed new or altered special district may be inspected, in the "Edinburgh Gazette" and for the purposes of an appeal to the sheriff the publication in the "Edinburgh Gazette" shall be deemed to be the first publication of the resolution.

(3) A town council of any burgh or police burgh in the near vicinity of any area proposed to be formed into or included within the boundaries of a special district shall be entitled to appeal to the sheriff (not being a sheriff substitute resident within the district) against the resolution forming, enlarging, limiting, or otherwise altering the boundaries of such special district, provided such town council shall within the time during which appeal against the resolution is competent in terms of any of the said sections have presented a petition to the sheriff in terms of the Burgh Police (Scotland) Acts to extend the boundaries of the burgh or police burgh so as to include the whole or any part of the area proposed to be formed into, or included within the boundaries of, or taken out of, the special district.

(4) In any finding or decision which the sheriff may pronounce in terms of any of the said sections, or of section thirty-eight of the Public Health (Scotland) Act, 1897, he may find any of the parties to the appeal liable in such expenses as he may think fit.

The last-mentioned section shall be amended so as to read as if the words "extension, limitation, or combination" were inserted after the word "formation" occurring therein.

57 & 58 Vict. c. 58.

(5) Subsection (5) of section forty-four of the Local Government (Scotland) Act, 1894, shall be amended so as to read as if the words "and any of the provisions of the Burgh Police (Scotland) Act, 1892, above mentioned may be rescinded or adopted therein, and a special district may be dissolved" were inserted after the word "altered" occurring therein.

Transfer of private hospitals, &c.

15.—(1) Any person holding, whether as trustee or otherwise, any hospital or sanatorium for the treatment of infectious disease or house of reception for convalescents from infectious disease, or for persons who have been exposed to infection, may, with the sanction of the Local Government Board for Scotland, and subject as herein-after provided, and on such terms and conditions as may be agreed, transfer by way of gift, sale, lease, or otherwise, such hospital, sanatorium, or house of reception, and any land connected or used therewith, together with any endowments thereof, to any local authority or combination of local authorities constituted in terms of section sixty-six of

the Public Health (Scotland) Act, 1897, who agree to accept such transfer, to be used by them for the purposes of the said section. 60 & 61 Vict. c. 38.

(2) Where any such person is a company or society incorporated under the Companies Acts, 1862 to 1907, a special resolution authorising such transfer shall first be passed.

(3) Where any such person is a company or society incorporated by Royal Charter or special Act of Parliament, a resolution authorising such transfer shall be passed by three-fourths of the members of such company or society present in person or by proxy at a general meeting of such company or society specially convened for that purpose.

(4) In the case of an unincorporated body of trustees or managers the consent of three-fourths of the members at the time being shall first be obtained to such transfer.

Limit of assessment in special districts.

16. Where in any special district formed under section forty-four of the Local Government (Scotland) Act, 1894, the produce of the special district rate therein authorised is not sufficient to meet the expenditure bonâ fide incurred or contemplated within such special district, it shall be lawful for the county council to increase such rate to such extent as may have been approved by the Local Government Board for Scotland.

Amendment of law as to audit.

17.—(1) The salary and allowances of a county auditor shall in case of dispute be fixed from time to time on the application of either party by the Secretary for Scotland, and his decision shall be final.

(2) The Secretary for Scotland may prescribe rules modifying either generally or as regards any one or more county councils the requirements of subsection (2) of section seventy of the principal Act as to the deposit of the abstract of accounts and other documents therein specified.

(3) Section seventy of the principal Act shall (both as originally enacted and as applied by any subsequent enactment) be modified by the insertion in subsection (5) thereof after the words "the Secretary for Scotland shall decide all questions "raised by such interim report, and shall disallow all illegal "payments and surcharge the same on the person or persons "making them," of the words "or authorising them to be made."

Amendment of law as to altering number of county councillors, &c.

18. The first proviso to section fifty-one of the principal Act, which prescribes the circumstances under which the number of county councillors, and the number, contents, and boundaries of county electoral divisions may be altered, shall no longer have effect.

Power to widen, reconstruct, &c. roads and bridges. 41 & 42 Vict. c. 51.

19. In addition to the powers conferred by the Roads and Bridges (Scotland) Act, 1878, and without prejudice to the provisions of that or any other Act relating to roads and highways in Scotland, a county road board (subject to the approval of the county council) or a joint bridge committee may resolve to divert

any existing road, or to widen, reconstruct, permanently alter, improve, or protect any existing road or bridge, or to construct, maintain, and repair any foot-bridge, within or partly within the county, and the provisions of the said Act of 1878, as read with the principal Act, the Roads and Bridges (Scotland) Amendment Act, 1892, and this Act, relating to the construction of new roads and bridges (including the provisions relating to assessment and borrowing), shall apply, with the necessary variations, to such diversion, widening, reconstruction, permanent alteration, improvement, or protection, and also to the making of footpaths on the side or sides of any highway as authorised by the said Act of 1878.

55 & 56 Vict. c. 12.

Amendment of dates in Roads and Bridges Act. 41 & 42 Vict. c. 51.

20.—(1) A declaration by a county council under section forty-two of the Roads and Bridges (Scotland) Act, 1878, may be lawfully made, and a resolution of a county road board under section fifty-eight of the said Act may be lawfully approved, at any general or special meeting of the county council called by circular sent to every member of the council.

41 & 42 Vict. c. 51.

(2) Section forty-nine of the Roads and Bridges (Scotland) Act, 1878, shall be read as if the words "such day as may be determined by the county council" were substituted for the words "the thirtieth day of March" and "the fifteenth day of April" occurring therein, and as if the words "from the fifteenth "day of May last preceding to the fifteenth day of May next "following" were substituted for the words "from the fifteenth "day of May immediately following to the fifteenth day of May "in the year succeeding"; and section fifty of the said Act shall be read as if the words "such day as may be determined by the county council in each year" were substituted for the words "such day between the fifteenth day of April and the fifteenth day of May in each year, as they may fix."

Improvement, repair, and maintenance of roads in adjoining counties and districts.

21.—(1) A county council may enter into an agreement with the county council of an adjoining county in reference to the expense of the improvement, repair, and maintenance of any road or portion thereof (including any footpath on the side or sides thereof) or any bridge which though situated in the latter county is mainly used for the benefit of the former county, and it shall be competent to impose and levy the assessment for defraying the expense of the improvement, repair, and maintenance of such road or portion thereof or bridge situate in the latter county as part of the roads and bridges assessment leviable in the former county or any district or districts thereof.

(2) District committees of adjoining districts in the same county shall have the like power to enter into agreements as is conferred by the immediately preceding subsection upon county councils of adjoining counties, and the immediately preceding subsection shall apply accordingly with the substitution of "district" for "county," and of "district committee" for "county council."

Repair of sudden damage.

22. In case of any sudden damage to any highway or bridge in a county, it shall be in the power of the road surveyor of the district or county, as the case may be, with the written consent of any two members of the district committee, or, where a county is not divided into districts, of two members of the county council, given upon a report and estimate by such surveyor, and without any further sanction, to repair such damage, provided such estimate shall not exceed the sum of fifty pounds, or such smaller sum as the district committee or the county council may, by resolution, have determined.

Abolition of finality of decisions of road board. 41 & 42 Vict. c. 51.

23. Notwithstanding the provisions of section twenty-seven and section fifty of the Roads and Bridges (Scotland) Act, 1878, the determination or decision of the county road board referred to therein respectively shall not be final, but shall be subject to review by the county council.

Amendment as to proceedings for extraordinary traffic damage. 41 & 42 Vict. c. 51.

24. Section fifty-seven of the Roads and Bridges (Scotland) Act, 1878 (which relates to the recovery of expenses of extraordinary traffic), shall be amended as follows:—

(*a*) Expenses under that section may be recovered, if not exceeding fifty pounds, before the sheriff, whose decision shall be final, and, if exceeding that sum, either before the sheriff, subject to an appeal to the court of session, or in the court of session, and such expenses may, notwithstanding anything in the said Act, be recovered from a county council:

(*b*) Proceedings for the recovery of any expenses incurred after the passing of this Act shall be commenced within twelve months of the time at which the damage has been done; or where the damage is the consequence of any particular building contract or work extending over a long period shall be commenced not later than six months after the completion of the contract or work:

(*c*) There shall be substituted for the words "by whose order" the words "by or in consequence of whose order," and for the words "satisfaction of the sheriff" the words "satisfaction of the court."

Regulations for locomotives on highways.

25.—(1) When a locomotive is passing on any highway—

(*a*) two persons shall be employed in driving or attending to the locomotive; and

(*b*) one of such persons shall when required give assistance to any person with a horse or horses or carriages or other vehicles drawn by a horse or horses meeting or overtaking the locomotive; and

(*c*) when the locomotive is drawing more than three waggons, another person shall be employed for the purpose of attending to the waggons, and such third person shall be seated at or remain near the rear of the last waggon so as to observe and be able to give

assistance to any person with any carriage or vehicle of whatever kind or with a horse or horses or other animals overtaking such last waggon, and shall give such assistance when required.

(2) So long as the fires of a locomotive are alight, or the locomotive contains in itself sufficient motive power to move it, one person shall remain in attendance whilst it is on any highway although it is stationary.

(3) The lights required to be carried on a locomotive, whether stationary or passing on any highway, shall be carried between the hours of one hour after sunset and one hour before sunrise during the six months beginning the first day of April in any year, and between sunset and sunrise during the six months beginning the first day of October in any year, and there shall be carried in addition during those hours an efficient red light on the rear of the locomotive, or if it is drawing waggons on the rear of the last waggon, fixed in such a manner as to be conspicuous.

(4) Every light carried on a locomotive, or on a waggon drawn by a locomotive, shall be fitted with such shutters or other contrivances as will enable the light to be temporarily screened in an effective manner.

(5) If any of the provisions of this section are not complied with in the case of any locomotive, the owner of the locomotive shall be liable for each offence, on summary conviction, to a fine not exceeding ten pounds, but it shall be lawful for such owner, on proving that he has incurred such penalty by reason of the negligence or wilful default of any person in charge of or in attendance on such locomotive, to recover summarily from such person the whole or any part of the penalty he may have incurred as owner.

41 & 42 Vict. c. 58.

(6) This section shall be read and construed as if it were contained in the Locomotives Amendment (Scotland) Act, 1878; provided that the expression "waggon" in this section includes any truck, cart, carriage, or other vehicle; and provided further that nothing herein contained shall affect light locomotives or motor cars within the meaning of the Motor Car Acts, 1896 and 1903.

Use of machinery in quarries.

41 & 42 Vict. c. 51.

26. The power vested in a county council or in any persons authorised by them under the principal Act as read with section eighty of the Act first and second William the Fourth, chapter forty-three, incorporated with the Roads and Bridges (Scotland) Act, 1878, to search for, dig, and carry away materials, shall be deemed to include power to use, within any pit or quarry which they are lawfully opening or working, steam engines or electrical or other mechanical appliances or apparatus for boring or blasting rock or for breaking rock or road metal, or for draining any such pit or quarry, or for carrying away materials therefrom, and power to store materials therein: Provided that such engines, appliances, or apparatus

shall not be used within two hundred yards of any dwelling-house without the consent in writing of the owner and occupier of the said dwelling-house; and provided also that, if a county council use electrical power for working such appliances or apparatus, such electrical power shall be so used as to prevent any interference with telegraphic communication by means of any telegraphs belonging to or used by the Postmaster-General or with any Government observatories or laboratories. And provided further that, before such engines, appliances, or apparatus are used, or materials are stored, as aforesaid, notice shall be given in the manner set forth in the last-mentioned section to the owner and occupier of the land upon which it is proposed to use such engines, appliances, or apparatus, or to store such materials, to show cause in the manner provided by the said section why such engines, appliances, or apparatus should not be used, or materials stored, and the sheriff, if satisfied upon considerations of amenity or otherwise, that due cause has been shown, may prohibit the use of such engines, appliances, or apparatus, or the storing of such materials, or may make such other order as he shall think fit, and where such engines, appliances, or apparatus are in use, or materials are stored, it shall be competent for the owner or occupier of the land to apply to the sheriff for an order to prohibit the further use of such engines, appliances, or apparatus, or the storing of such materials, and the said sheriff may, upon due cause shown, pronounce such an order.

Fencing of quarries.

27. Where any quarry which, in the opinion of the county council, is dangerous to the public is in open or unenclosed land within fifty yards of a highway or place of public resort dedicated to the public, or to which the public have unrestricted access by right of way or otherwise, and is not separated therefrom by a secure and sufficient fence, the county council, after giving reasonable notice in writing to the proprietor thereof to cause the same to be sufficiently fenced and kept fenced, so as to prevent danger to the public therefrom, may, on his failure so to do, themselves so fence the same, and the expense of such fencing may be recovered in a summary manner from the proprietor of the quarry, and failing such recovery shall be a charge upon the road assessment of the county or a district thereof.

In this section the term "quarry" shall mean and include every pit or opening which is or has been used for the purpose of getting stone, slates, lime, chalk, clay, gravel, sand, or other like material, or for getting water, but shall not include any pit or quarry which, under the Roads and Bridges (Scotland) Act, 1878, or any provision incorporated therewith, the county council are bound to fence off so that the same shall not be dangerous to any person or cattle.

41 & 42 Vict. c. 51.

Jurisdiction for purposes of certain Acts. 59 & 60 Vict. c. 56.

28.—(1) In order to remove doubts as to the application to Scotland of the Wild Birds Protection Act, 1896, it is hereby provided that the expression "county borough" occurring in

that Act means in Scotland a burgh being a county of a city, and the expression "borough fund or borough rate" means such rate leviable within the burgh as the town council may appoint.

(2) The powers and duties of any two or more justices of the peace for a county in regard to the execution as local authority of the Acts relating to petroleum are hereby transferred to and shall be exercised by the county council, and all fees payable in respect of the powers and duties so transferred shall be payable to the county council. Section one hundred and twenty of the principal Act which relates to compensation to existing officers shall apply in the case of clerks of the peace affected by this subsection.

Saving for Crown rights.

29. Without prejudice to any existing right of His Majesty, there shall be exempted from the provisions of the principal Act and this Act every building, structure, or work, and all land, vested in or in the occupation of His Majesty, either beneficially or as part of the hereditary revenues of the Crown, or in trust for the public service or for public services; also any land, building, structure, or work vested in or in the occupation of any department of His Majesty's Government for public purposes or for the public service.

Definitions. 52 & 53 Vict. c. 50.

30. This Act shall, so far as consistent with the tenor thereof, be read as one Act with the principal Act, and expressions used in this Act shall have the same meaning, if not inconsistent with the context, as expressions used in the principal Act, provided that the expression "land" includes any right or interest or servitude in or over land or water.

Repeal.

31. The Acts specified in the Schedule to this Act are hereby repealed to the extent mentioned in the third column of that schedule, and so much of any Act as is inconsistent with this Act is also hereby repealed.

Section 31.

SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
17 & 18 Vict. c. 91.	Land Valuation (Scotland) Act, 1854.	Section thirty-six, from the beginning to the words "such county."
28 & 29 Vict. c. 83.	Locomotives Act, 1865	Section three, the paragraph numbered "firstly", and the words "between the hours of one hour "after sunset and one hour "before sunrise."

Session and Chapter.	Short Title.	Extent of Repeal.
41 & 42 Vict. c. 51.	Roads and Bridges (Scotland) Act, 1878.	Section forty-two, the words "at any annual general meeting." Section fifty-seven, the words "in "a summary manner before "the sheriff (whose decision "shall be final)." Section fifty-eight, the words "to "be given at their annual "general meeting."
41 & 42 Vict. c. 58.	Locomotives Amendment (Scotland) Act, 1878.	Section four.
52 & 53 Vict. c. 50.	Local Government (Scotland) Act, 1889.	Section eight, the words "for the "purposes herein-after men-"tioned and;" and the words in subsection two, "arising under this section." Section fifty-one, the first proviso. Section seventy-three, subsection two, the words "and the annual "general meeting of county "road trustees." Section ninety-five, from the words "or the limit within which" to the end of the section.
55 Vict. c. 12.	Roads and Bridges (Scotland) Amendment Act, 1892.	Section one.
57 & 58 Vict. c. 58.	Local Government (Scotland) Act, 1894.	In subsection (7) of section nineteen, the words "sitting as a district committee."

CHAPTER 63.

An Act to amend the Laws relating to Education in Scotland, and for other purposes connected therewith.

[21st December 1908.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title and construction. 60 & 61 Vict. c. 62. 1 Edw. 7. c. 9. 6 Edw. 7. c. 10.

1. This Act may be cited as the Education (Scotland) Act, 1908, and this Act and the Education (Scotland) Acts, 1872 to 1893, the Education (Scotland) Act, 1897, the Education (Scotland) Act, 1901, and the Education of Defective Children (Scotland) Act, 1906, shall, so far as consistent with the tenor thereof, be construed together as one Act, and may be cited as the Education (Scotland) Acts, 1872 to 1908.

Extent of Act.

2. This Act shall extend to Scotland only.

Additional general powers of school board.

3. It shall be lawful for a school board, if they think fit, in addition to any powers already vested in them, to incur expenditure, and to defray the same out of the school fund, in carrying out or in combining with one or more school boards to carry out the following objects (that is to say):—

(1) In providing any form of education or instruction which may from time to time be sanctioned by any code or minute of the Department:

(2) In providing accommodation, apparatus, equipment, and service for the preparation and supply of meals to pupils attending schools within their district: Provided that no expense incurred in the purchase of food prepared and served at such meals shall be defrayed out of the school fund except as herein-after provided:

(3) In bringing opportunities for education within easier reach of children in outlying parts of their district, whether by providing means of conveyance, or paying travelling expenses for teachers or pupils to and from their homes, or defraying the cost of lodging pupils in convenient proximity to a school (provided such cost shall not exceed the amount which might alternatively have been incurred in paying travelling expenses for such pupils), or otherwise:

(4) In contributing towards, or where deemed expedient providing for, the maintenance and education in homes or other institutions within or without the district of the school board (with due regard to the religious persuasion of the parents) of epileptic or crippled or defective children within the meaning of the Education of Defective Children (Scotland) Act, 1906, and in paying the cost of conveying such children to and from such homes or institutions:

6 Edw. 7. c. 10

(5) In maintaining or combining with other bodies to maintain any agency for collecting and distributing information as to employments open to children on leaving school:

(6) In providing any or all of the pupils in attendance at any or all of the state-aided schools within their district with school books, writing materials, stationery, and other articles of a similar nature, where the school board shall consider such provision required:

(7) In paying such reasonable expenses incidental to the proper discharge of the duties of the school board as may be sanctioned by minutes of the Department: Provided that no such minute shall come into force until it has lain for not less than one month upon the table of both Houses of Parliament.

Medical inspection of children.

4. A school board may, and where required by the Department shall, provide for the medical examination and supervision

of the pupils attending schools within their district to such extent and subject to such requirements as may from time to time be prescribed by any code or minute of the Department, and, for the purposes of this section, the school board may employ medical officers or nurses, or arrange with voluntary agencies for the supply of nurses, and provide appliances or other requisites. It shall be a condition of grant to the managers of any school within the district of the school board at which there is not provision to the satisfaction of the Department for the medical examination and supervision of the pupils that such managers shall give admission and all necessary facilities for the discharge of his duties to any person so employed or supplied.

Defective children.

5. It shall be lawful for a school board which makes special provision for the education of physically or mentally defective children to require the parents of such children to provide efficient education for such children up to the age of sixteen years.

Neglected children.

6.—(1) When as the result of medical inspection or otherwise it is brought to the notice of a school board that a child attending a school within their district is in a filthy or verminous state, or is unable by reason of lack of food or of clothing to take full advantage of the education provided, it shall be the duty of the school board, after due warning, to summon either or both of the parents or the guardian of such child to appear before them to give an explanation of the child's condition, and, if the school board shall find that such explanation is not forthcoming or is insufficient or unsatisfactory, and that the condition of the child is due to neglect, they shall transmit a copy of such finding to the parent or parents or guardian of the child and to the procurator fiscal, and it shall be the duty of the procurator fiscal to institute a prosecution under the subsection immediately following.

1 Edw. 7. c. 15.

(2) Without prejudice to the general operation of the Prevention of Cruelty to Children Act, 1904, or any Act amending the same, neglect to exercise due care of a child as aforesaid shall be deemed wilful neglect likely to cause the child unnecessary suffering within the meaning of such Act, punishable summarily as an offence of cruelty in terms of such Act, and subject to the provisions thereof as to the committal and custody of the child and otherwise:

Provided that if it shall be shown to the satisfaction of the school board, or in the event of a prosecution under such Act of the sheriff, that such parent or parents or guardian are unable by reason of poverty or ill-health to supply sufficient and proper food or clothing for the child, or to give the child the necessary personal attention, the school board, if satisfied that the necessities of the case will not be provided for by voluntary agency, shall make such provision for the child out of the school fund as they deem necessary during such period while the child is under obligation to attend school as they may determine:

But it is hereby provided that any aid given in terms of this section shall not deprive such parent or guardian of any franchise, right, or privilege, or subject him to any disability:

Provided also that the school board, where they deem it necessary owing to the condition of the child, shall have power to make temporary provision for the child out of the school fund pending the completion of the procedure hereby prescribed, and to recover the cost of such provision from such parent or guardian as an alimentary debt, unless it is shown to the satisfaction of the school board that such parent or guardian was unable by reason of poverty or ill health to supply sufficient and proper food or clothing for the child, or to give the child the necessary personal attention.

Provisions as to parents' obligation and school attendance.

7.—(1) It shall be the duty of every parent to provide efficient education for his children who are between five and fourteen years of age.

(2) A school board shall have power, with the approval of the Department, to prescribe two or more dates in each year as the dates of commencing and terminating school attendance for children within their district, and publication of the prescribed dates shall be made by advertisement or otherwise as the school board think fit.

(3) For the purposes of this section a child shall be deemed to attain the age of five years on the prescribed date next succeeding the fifth anniversary of the child's birth, and shall be deemed to attain the age of fourteen years on the prescribed date next succeeding the fourteenth anniversary of the child's birth.

(4) When a child who is under the obligation to attend school is removed from any public or inspected school, it shall be the duty of the head teacher of the school to issue to the parent of the child a certificate showing the period during which the child was in attendance at the school, the number of attendances made during that period, and the class of the school in which the child was placed for purposes of instruction at the time of removal. Such certificate or certificates shall be exhibited by the parent upon any application for the admission of the child to any other public or inspected school, and shall also be taken into consideration by a school board upon any application for the exemption of the child from the obligation to attend school.

Power for school board to pronounce attendance order.

8. If it appears to a school board that the parent of any child without reasonable excuse is neglecting to provide efficient education for his child in terms of this Act, or failing to secure the regular attendance of his child at some public or inspected school, it shall be lawful for the school board, after due warning to the parent, to summon such parent to appear, with or without the child, before the school board at any meeting thereof, and to require from him every information and explanation respecting such neglect or failure of duty; and if he, or some person on his behalf, either does not appear, or appears and does not

satisfy the school board that he has not failed in such duty without reasonable excuse for such failure, it shall be lawful for the school board to order in writing that the child do attend some public or inspected school willing to receive him and named in the order, being either such as the parent may select, or, if he does not select any, then such as the school board think expedient, and the child shall attend that school every time the school is open, or in such other regular manner as is specified in the order. The school board shall cause a copy of the said order to be sent to the parent by registered letter, and a certificate under the hand of the clerk of the school board to the effect that such order has been made and sent to the parent as aforesaid shall be received as evidence of what is stated therein. An order made by a school board under this section shall be known and referred to as an attendance order, and references in any Act to an attendance order shall be construed as references to an attendance order under this section:

Provided that any parent aggrieved by the making of an order under this section may appeal to the sheriff, who shall have power either to confirm or to annul the order, and the sheriff's decision shall be final.

Amendment of law as to exemption certificates. 1 Edw. 7. c. 9.

9.—(1) It shall be lawful for a school board in granting exemption from the obligation to attend school under section three of the Education (Scotland) Act, 1901, to impose as a condition of such exemption (in addition to any other lawful conditions) such attendance as the school board shall prescribe—

(*a*) at a day school, or

(*b*) where a suitable continuation class is available, at such continuation class, or

(*c*) partly at such school and partly at such continuation class,

after the age of fourteen years, and until such age not exceeding sixteen years as the school board shall think fit.

(2) The school board may on cause shown remit or modify any condition imposed under this section.

(3) If any person knowingly employs a young person above the age of fourteen years at any time when his attendance at a school or a continuation class is required by a condition imposed under this section, or for a number of hours which, when added to the time required under this section to be spent at a continuation class, causes the hours of employment and the time so spent, taken together, to exceed in any day or week, as the case may be, the period of employment permitted for such young person by any Act of Parliament, he shall be liable on summary conviction to a penalty not exceeding twenty shillings, or in case of a second or subsequent offence, whether relating to the same or to another young person, not exceeding five pounds.

(4) If any parent of a young person by wilful default or by habitually neglecting to exercise due care has conduced to the commission of an offence under the immediately preceding subsection or otherwise to failure on the part of the young

person to attend at a school or a continuation class at a time when his attendance is required by a condition imposed under this section, he shall be liable on summary conviction to the like penalties as aforesaid.

Provision of and attendance at continuation classes.

10.—(1) Without prejudice to any other power of a school board to provide instruction in continuation classes, it shall be the duty of a school board to make suitable provision of continuation classes for the further instruction of young persons above the age of fourteen years with reference to the crafts and industries practised in the district (including agriculture if so practised and the domestic arts), or to such other crafts and industries as the school board, with the consent of the Department, may select, and also for their instruction in the English language and literature, and in Gaelic-speaking districts, if the school board so resolve, in the Gaelic language and literature. It shall also be their duty to make provision for their instruction in the laws of health and to afford opportunity for suitable physical training.

(2) If it is represented to the Department on the petition of not less than ten ratepayers of the district that a school board are persistently failing in their duty under the foregoing subsection, the Department shall cause inquiry to be made and may call upon the board to institute such continuation classes as appear to the Department to be expedient, and, failing compliance, may withhold or reduce any of the grants in use to be made to the board.

(3) It shall be lawful for a school board from time to time to make, vary, and revoke byelaws for requiring the attendance at continuation classes, until such age not exceeding seventeen years as may be specified in the byelaws, of young persons above the age of fourteen years within their district who are not otherwise receiving a suitable education, or are not specially exempted by the school board from the operation of the byelaws; and that at such times and for such periods as may in such byelaws be specified. Such byelaws may also require all persons within the district having in regular employment any young person to whom such byelaws apply to notify the same to the board at times specified in the byelaws, with particulars as to the hours during which the young person is employed by them:

Provided that no young person shall be required to attend a continuation class held beyond two miles measured along the nearest road from the residence of such young person.

60 & 61 Vict. c. 38.

(4) Sections one hundred and eighty-five, one hundred and eighty-six, and one hundred and eighty-seven of the Public Health (Scotland) Act, 1897, which are set out in the First Schedule to this Act, shall apply to byelaws made under this section as if they were herein re-enacted, with the substitution of the Department for the Board and of the school board for the local authority.

(5) If any person fails to notify the school board in terms of any such byelaw in regard to young persons employed by him, or knowingly employs a young person at any time when his attendance is by any such byelaw required at a continuation class, or for a number of hours which, when added to the time required under any such byelaw to be spent at a continuation class, causes the hours of employment and the time so spent, taken together, to exceed in any day or week, as the case may be, the period of employment permitted for such young person by any Act of Parliament, he shall be liable on summary conviction to a penalty not exceeding twenty shillings, or in case of a second or subsequent offence, whether relating to the same or to another young person, not exceeding five pounds.

(6) If any parent of a young person by wilful default, or by habitually neglecting to exercise due care, has conduced to the commission of an offence under the immediately preceding subsection, or otherwise to failure on the part of the young person to attend a continuation class as required in any such byelaw, he shall be liable on summary conviction to the like penalties as aforesaid.

Summary Jurisdiction Acts to apply. 46 & 47 Vict. c. 56.

11. All prosecutions for offences under either of the two immediately preceding sections of this Act shall take place before a court of summary jurisdiction as defined in the Education (Scotland) Act, 1883, in the manner provided by the Summary Jurisdiction Acts, and penalties shall be recoverable by imprisonment in terms of those Acts.

Power to grant pensions, &c. 61 & 62 Vict. c. 57. 35 & 36 Vict. c. 62.

12.—(1) Subsection (6) of section twelve of the Elementary School Teachers (Superannuation) Act, 1898, which restricts the power of a school board to award and pay retiring allowances to teachers under section sixty-one of the Education (Scotland) Act, 1872, shall cease to have effect, and a school board may also, if they think fit, extend the benefit of the last-mentioned section to any teacher formerly in their employment to whom, but for the operation of the said subsection, it would have been lawful for them to award and pay a retiring allowance.

(2)—(*a*) The governing body of any school administered under a scheme approved in terms of the Educational Endowments (Scotland) Act, 1882, or under any Act, or any Provisional Order confirmed by Act of Parliament; and 45 & 46 Vict. c. 59.

(*b*) the governing body of a central institution; and

(*c*) a provincial committee

shall, notwithstanding anything contained in any scheme, Act, or Order, have the like power as a school board to award and pay retiring allowances to teachers out of the funds administered by them respectively.

Grants in aid of retiring allowances.

13. Where a school board, or the governing body of any school administered under a scheme approved in terms of the Educational Endowments (Scotland) Act, 1882, or under any

Act or any Provisional Order confirmed by Act of Parliament, or the managers of any other school in receipt of grants from the Department, have, prior to the commencement of this Act, awarded, or, after such commencement, award a retiring allowance to a teacher, it shall be lawful for the Department to make to such school board, governing body, or managers a grant not exceeding one-half of the allowance so payable in any year; provided that if the said allowance, together with any allowance payable under the Elementary School Teachers (Superannuation) Act, 1898, exceed one-sixtieth of the teacher's salary (reckoned on the average of the three years preceding retirement) for each year of recorded service, or two-thirds of the said salary in all, no grant shall be made in respect of such excess:

61 & 62 Vict. c. 57.

Provided further that where, prior to the commencement of this Act, a governing body as aforesaid or any joint or central board on their behalf have established a superannuation fund to which they respectively contribute, directly or indirectly, the superannuation allowance awarded to a teacher to the extent represented by the sum so contributed shall be held to be a retiring allowance within the meaning of this section.

Superannuation scheme for teachers.

14.—(1) Upon a teachers' superannuation scheme as hereinafter provided taking effect, it shall be lawful for the Department in respect of each year to deduct from the grants payable to school boards, governing bodies, and other managers of schools in receipt of grants under any code or minute of the Department, the prescribed sum, not exceeding six per centum of the salaries for that year, ascertained in the prescribed manner, of the teachers to whom the scheme applies.

(2) The sum so deducted in respect of any year, together with such additional annual sum payable from the Education (Scotland) Fund as shall be prescribed in the scheme, and with any other money that may be available under the provisions of this section, shall, with any interest thereon, constitute the Scottish Teachers' Superannuation Fund and be administered by the Department in accordance with the scheme for the purposes thereof.

(3) In consideration of the deduction aforesaid school boards, governing bodies, and other managers may deduct, in respect of each year, from the salary of every teacher to whom the scheme applies the prescribed sum, not exceeding four per centum thereof.

(4) The Department shall, as soon as may be after the passing of this Act, after such inquiry as they think fit, prepare on actuarial advice a superannuation scheme applicable to such teachers as shall be prescribed therein.

(5) The scheme shall include provision—

(*a*) for the payment by the Department to the teacher on retirement after attaining the prescribed age (which shall if so prescribed be different for men and women), or on retirement in case of permanent

incapacity, of a retiring allowance not exceeding the prescribed proportion for each completed year of service as a teacher in Scotland of the pensionable salary of the teacher, that is to say, the amount representing the average salary of the teacher either throughout his service or during such number of years immediately preceding retirement as shall be prescribed: Provided that a retiring allowance shall not be payable in respect of less than ten completed years of service, and shall be subject to the prescribed reduction in respect of years of service before the scheme takes effect during which no deduction has been made from the salary of the teacher as aforesaid;

(*b*) for the payment by the Department, except as otherwise prescribed, to any teacher ceasing to serve as such without claim to a retiring allowance, and to the personal representative of any teacher who dies in service, on their respective application, of a sum equal to the full amount of all deductions made from the salary of the teacher as aforesaid; and

(*c*) for the payment by the Department, on application, to the personal representative of any person who at the time of his death is in receipt of a retiring allowance in terms of the scheme, of the amount, if any, by which the sum of all the instalments of allowance paid to such person falls short of the full amount of all deductions made from the salary of such person as aforesaid;

(*d*) for the payment by the Department to any person who at the date when the scheme takes effect is in receipt of an allowance under the Elementary School Teachers (Superannuation) Act, 1898, or of a teacher's retiring allowance from a school board, or from the governing body or managers of any school in receipt of grant from the Department, or of a teacher's superannuation allowance from a governing body as aforesaid or any joint or central board on their behalf, of a retiring allowance not exceeding the allowance, if any, which would have been payable to such person on retirement in terms of the scheme: Provided that the payment of a retiring allowance under this enactment shall to the extent thereof relieve such school board, governing body, managers, or joint or central board of liability to pay the retiring or superannuation allowance granted by them respectively to any such person. 61 & 62 Vict. c. 57.

(6) Upon the scheme taking effect, the Elementary School Teachers (Superannuation) Act, 1898, shall cease to apply to Scotland subject to such adjustment of existing interests as may, with the consent of the Treasury, be prescribed: Provided

that, in consideration of the cessation of payments by the Treasury in terms of the said Act, there shall be paid in each year to the Education (Scotland) Fund, to be applied as part of that fund such sum equivalent to, or in commutation of, such payments as the Treasury may determine.

(7) Upon the scheme taking effect the section of this Act whereof the marginal note is "Grants in aid of retiring allowances" shall, as respects any person to whom the scheme applies, cease to have effect.

(8) The Department and the managers of any superannuation fund applicable to teachers established under any Act or any Provisional Order confirmed by Act of Parliament may notwithstanding the provisions of any such Act or Order agree for the carrying on or the discontinuance, in whole or in part, and subject to such financial or other adjustment as may seem necessary, of such superannuation fund, and for altering, varying, amending, or limiting the terms, conditions, regulations, and provisions thereof, and any such agreement shall form part of the scheme or of an amendment thereof.

(9) The scheme shall make such other provision as appears necessary to carry out the purposes of this section, and without prejudice to the generality of this enactment may apply, with such modifications as appear necessary, any provisions contained in any Act of Parliament or Provisional Order confirmed by Act of Parliament dealing with superannuation, including any penal provisions thereof.

(10) With a view to the making of a scheme the Department shall cause a draft scheme to be printed and printed copies of it to be sent to all school boards, governing bodies, and other managers of schools in Scotland in receipt of grant under any code or minute of the Department, and shall also at the same time cause the draft scheme to be published in such manner as they think sufficient for giving information to all persons interested.

(11) During three months after the publication of the draft scheme the Department shall receive any objections made to them in writing by any public body or persons interested and any amendments proposed thereon, and as soon as may be after the expiration of the said three months the Department shall proceed to consider such objections and amendments: Provided that in computing the period of three months for the purposes of this section the months of July, August, and September shall not be counted, nor any part thereof.

(12) Thereafter it shall be lawful for the Department to make and issue a teachers' superannuation scheme in accordance with the said draft scheme or a modification thereof: Provided that such scheme shall be forthwith laid before both Houses of Parliament if Parliament be sitting, or, if not, then within three weeks after the commencement of the next ensuing session of Parliament, and, if neither House of Parliament within three months, exclusive of any period of prorogation, after a scheme

has been laid before it presents an address praying the King to withhold his assent from such scheme or any part thereof, it shall be lawful for the King in Council by Order to approve the same or any part thereof to which such address does not relate. The presentation of an address as aforesaid shall be without prejudice to the making of a further scheme under the like procedure.

(13) A scheme under this section may be amended by a subsequent scheme made under the like procedure.

(14) Any scheme approved by Order in Council under this section shall, as from the date prescribed in such Order, be of the same force as if it were enacted in this Act.

(15) In this section the expression "prescribed" means prescribed in the scheme, and other expressions not specially defined in this Act have the meaning assigned thereto in the scheme.

Constitution of Education (Scotland) Fund.

15. The following sums payable out of the Local Taxation (Scotland) Account in the financial year commencing on the first day of April one thousand nine hundred and nine, and in any subsequent financial year, namely:—

(1) The sum not exceeding forty thousand pounds mentioned in subsection (ii) of section two of the Local Taxation (Customs and Excise) Act, 1890; 53 & 54 Vict. c. 60.

(2) That portion of the residue mentioned in subsection (iii) of section two of the said Act directed to be distributed under subsection (*b*) thereof;

(3) The sum of sixty thousand pounds mentioned in subsection (1) of section two of the Education and Local Taxation Account (Scotland) Act, 1892; 55 & 56 Vict. c. 51.

(4) The balance (if any) available under subsection (6) of section two of the last-mentioned Act; and

(5) The balance mentioned in subsection (4) of section two of the Local Taxation Account (Scotland) Act, 1898— 61 & 62 Vict. c. 56.

shall no longer be applied or distributed as provided in those Acts, but shall be paid into one fund hereby constituted, to be distributed by the Department and to be known and referred to as the Education (Scotland) Fund. To this fund shall also be paid in each financial year—

(6) Any sum voted by Parliament for that year as a general aid grant for education in Scotland, after deduction therefrom of such amount as may require to be added to any sum voted for that year as a fee grant in order to maintain the fee grant at the rate of twelve shillings per child in average attendance; and such amount shall be deducted and added accordingly.

Application of Education (Scotland) Fund.

16.—(1) Notwithstanding anything contained in the before-mentioned Acts the Education (Scotland) Fund in any year shall be applied to the following purposes (that is to say):—

(*a*) To providing for the expenses of the inspection and examination of secondary and intermediate schools and

of conducting the leaving certificate examination in so far as such expenses are not provided for from moneys voted by Parliament;

(*b*) To making payment to the universities of Scotland, in addition to any sums otherwise payable to them under any Act, of such sums in respect of yearly maintenance expenditure as the Secretary for Scotland, on application by the university courts or any of them, may determine after consideration of the results of such inquiries as he may from time to time direct to be made by a special committee appointed by him: Provided that each university court shall make an annual report to the Secretary for Scotland as to the mode in which it has applied any sum so granted;

(*c*) To making payment to central institutions in respect of either capital or maintenance expenditure of such sums as the Department may determine, being in respect of maintenance sums not less in amount than the sums paid to such institutions respectively for the like purpose in the year ending the thirty-first day of March one thousand nine hundred and nine by county councils and town councils from the amounts received by such councils under subsection (iii) (*b*) of section two of the Local Taxation (Customs and Excise) Act, 1890;

53 & 54 Vict. c. 60.

(*d*) To making payment to the provincial committees established by the minute of the Department dated the thirtieth day of January one thousand nine hundred and five, or to any bodies that may hereafter be appointed in lieu thereof, in addition to any sums voted by Parliament for the training of teachers, of such sums as may be required to meet their approved expenditure for the like purpose;

(*e*) To making payment of grants in aid of retiring allowances to teachers as in this Act authorised; and

(*f*) To providing for any other educational expenditure approved by the Department and set forth in minutes laid before Parliament: Provided that no minute of the Department framed under this section shall come into force until it has lain for not less than one month on the table of both Houses of Parliament.

(2) After providing for the foregoing payments, the balance of the Education (Scotland) Fund that may remain in any year shall be allocated and set apart for the promotion of education in each and every district for which a committee on secondary education (hereinafter referred to as the committee) was appointed by the minute of the Department, dated the tenth day of June, one thousand eight hundred and ninety-seven, in accordance with a scheme of allocation prepared by the Department, and so framed as to give greater aid to those districts in

which per head of the population the burden of expenditure on educational purposes approved by the Department is excessive as compared with the valuation of the district: Provided that such scheme shall be forthwith laid before both Houses of Parliament if Parliament be sitting, or, if not, then within three weeks after the commencement of the next ensuing Session of Parliament, and, if neither House of Parliament within one month, exclusive of any period of prorogation, after a scheme has been laid before it, presents an address praying the King to withhold his assent from such scheme or any part thereof, it shall be lawful for the King in Council by Order to approve the same or any part thereof to which such address does not relate. The presentation of an address as aforesaid shall be without prejudice to the making of a further scheme under the like procedure.

(3) A scheme under this section may be amended by a subsequent scheme made under the like procedure.

(4) Any scheme approved by Order in Council under this section shall, as from the date prescribed in such Order, be of the same force as if it were enacted in this Act.

Application of district education funds.

17. The amount allocated as aforesaid to the district of a committee in any year shall be known and referred to as the district education fund, and shall be applied, in accordance with the procedure prescribed in the next following section, for the purpose of the various payments hereinafter specified (that is to say):—

(1) Where a school board provide and maintain an intermediate or secondary school which is recognised by the Department as efficient, and which is attended by children whose parents are resident outwith the school board district in which the said school is situated, there shall be paid in each year to the school board from the district education fund of each district in which any such parents are so resident a sum equal to the cost of the education of such children (including in such cost interest of loans on account of capital expenditure), such sum to be calculated upon the average attendance of such children and the average cost of the education of pupils in the said school, after deduction of income from all sources other than from school rate: Provided that, in the case of pupils who are being lodged within the said school board district for the purposes of their education, no payment shall be made under this subsection from the district education fund of any district other than that of which the school board district forms a part, except in respect of pupils receiving aid under or in conformity with the district bursary scheme for the district in which their parents are resident to be framed as hereinafter provided:

(2) Where a school board within the district of a committee provide and maintain an intermediate or secondary school recognised as aforesaid, or a recognised Division III. course under the continuation class code dated the eleventh day of May nineteen hundred and eight, or any recognised course which may hereafter come in place thereof under other regulations of the Department, there shall further be paid in each year to the school board a sum equal to one-half of the amount by which the collective cost to the school board of such provision and maintenance after deduction of income from grants made by the Department or from fees, and of any sum paid to the school board under the immediately preceding subsection, exceeds the amount which would be produced by such rate per pound upon the district of the school board as the committee may determine, not being more than a rate of twopence in the pound :

(3) On good cause shown, an additional payment may be made in any year to a school board within the district of the committee in respect of any intermediate or secondary school under their management recognised as aforesaid :

(4) Where a school within the district of a committee, not being a school under the management of a school board, and not being a school conducted for private profit, is in receipt of grants from the Department as a recognised intermediate or secondary school—

(*a*) if the school is attended by children whose parents are ordinarily resident outwith the school board district in which the said school is situated, there shall be paid in each year to the governing body of such school, from the district education fund of each district in which any such parents are so resident, the like sum as is required to be paid to a school board in terms of subsection (1) of this section, provided always that the average cost therein referred to is approved by the Department as reasonable, and provided also that in lieu of the deduction of income from all sources, other than from school rate therein referred to, there shall be deducted all income from grants made by the Department and from fees ; and

(*b*) a further payment may be made in any year to the governing body from the district education fund of the district in which the school is situated for the purpose of maintaining the school in a state of efficiency, regard being had to the income from endowments, fees, and other sources, and to the cost per pupil of providing intermediate and secondary

education in schools under the management of school boards:

(5)—(*a*) Payments may be made in any year to the committee towards meeting the expenses of a scheme framed by the committee in accordance with general regulations prescribed by the Department (in this Act referred to as the district bursary scheme) for the purpose of enabling duly qualified pupils in each and every part of the district, by means of bursaries or otherwise, to obtain education at an intermediate or secondary school recognised as aforesaid, or, in circumstances approved by the Department, at a supplementary course of not less than three years' duration conducted in accordance with Article 21 of the code of regulations for day schools of 1908, or under other regulations of the Department that may come in place thereof, or, where deemed expedient, at an agricultural college, a technical college, or other central institution, or at an university or a training centre or training college:

(*b*) Payments may also be made in any year to the committee as contributions in aid of the travelling expenses and the maintenance when residing away from home—

(i) of teachers serving in schools within the district when such teachers are attending classes under Article 55 of the regulations for the preliminary education, training, and certification of teachers, dated the tenth day of April nineteen hundred and eight, or under other regulations of the Department which may come in place thereof; and

(ii) of persons selected by the committee to attend special courses within or without their district provided by the governing body of an agricultural college, a technical college, or other central institution:

(6) Where under section four of this Act a school board provide for the medical examination and supervision of the pupils attending schools within their district in accordance with a scheme prepared by the committee, or where a school board district is co-extensive with the district of a committee by the school board, and in either case approved by the Department, there shall be paid in each year to the school board a sum equal to one-half of the cost incurred by them in making such provision:

(7) Where a committee see fit to appoint a secretary or organiser of instruction, or any teachers of special subjects, such as agriculture, horticulture, household management, physical exercises, music, or drawing, to give instruction under the committee's direction at

specified centres within the district, or to supplement the staff of any school or schools the managers of which cannot reasonably be expected to provide such special teachers, payment of the salaries and expenses of such officers or teachers may be made to the committee: Provided that, when the special subject falls within the scope of work of an agricultural college or other central institution or of the provincial committee, the scheme of instruction shall be arranged in conjunction with the said central institution or provincial committee:

(8) Payments may also be made in any year to any school board within the district of a committee, as contributions in aid of capital expenditure on schools or classrooms for the education of physically or mentally defective, blind, or deaf-mute children, school gardens, workshops, laboratories, rooms for cookery and laundry work, or such other equipment as may be required for the use of any special teachers appointed by the committee under the immediately preceding subsection or of similarly qualified teachers appointed and paid by the school board. Any such contribution may be paid in one sum or spread over a number of years, but shall in no case exceed one-half of the capital expenditure in respect of which it is made:

(9) The grants in aid of additional staff for small schools payable under section II.D of the minute of the Department dated the twenty-fifth day of February one thousand nine hundred and eight, and the grant for the employment of Gaelic-speaking teachers under section II.C (2) of that minute, shall be paid in the year commencing the first day of April one thousand nine hundred and nine to school boards and other managers of schools within the district who have received the same in any of the three years preceding, and continue to fulfil the conditions of the minute, and may be so paid in any subsequent year: Provided that, where a committee recommend an alternative scheme of grants for small schools in rural districts for the purpose of improving the staff of such schools as regards either number or qualifications, payment may be made of such alternative grants, and the two first-mentioned grants or either of them may thereupon be discontinued, provided that twelve months' notice of discontinuance shall have been given by the committee:

(10) There may also be paid such further sums for the promotion of education within the district as may appear to the Department to be incidental to the district generally rather than to any particular school board district or districts within the same:

(11) After providing for the aforesaid payments falling to be made in any year, and for the approved expenses of the committee, the balance of a district education fund that may remain in any year shall be distributed to school boards and other managers of schools within the district as an addition to the fee grant.

Any balances of grant remaining in the hands of a committee at the thirty-first day of March one thousand nine hundred and nine shall be deemed part of the district education fund in respect of the year commencing thereafter.

Administration of district education funds.

18.—(1) Payments out of the district education funds shall be made to school boards, committees, or other bodies, as the case may be, by the Department.

(2) Where the immediately preceding section requires payments to be made from the district education funds, such payments shall be made in accordance with rules from time to time framed by the Department for determining the average attendance, average or collective cost, and other conditions of such payments.

(3) Where the immediately preceding section permits but does not require payments to be made from the district education funds, such payments and the amount thereof shall be subject to the approval of the Department.

(4) Each committee shall submit annual estimates of proposed expenditure out of the district education fund in accordance with regulations to be made by the Department.

(5) Each committee shall cause accounts to be kept of their income and expenditure in a form prescribed by the Department, and these accounts, together with the relative vouchers, shall be transmitted for examination and report to the accountant of the Department, and the Department shall lay before Parliament in each year an abstract of the said accounts, together with the accountant's report and any decision of the Department thereupon, and also a statement of their intromissions with the Education (Scotland) Fund for the year corresponding with that covered by the accounts of the committees.

Grants to central institutions, &c. in aid of capital expenditure. 53 & 54 Vict. c. 60. 55 & 56 Vict. c. 51.

19. Any balances remaining in the hands of the Department at the thirty-first day of March one thousand nine hundred and nine of the sums paid to them prior to that date under subsection (ii) of section two of the Local Taxation (Customs and Excise) Act, 1890, and subsection (6) of section two of the Education and Local Taxation Account (Scotland) Act, 1892, shall be applied by the Department from time to time till the said balances are exhausted in making grants in aid of capital expenditure incurred by the managers of a recognised central institution in providing buildings or equipment necessary for the purpose of giving advanced technical instruction, or incurred by a school board in providing laboratories, workshops, or other

equipment approved by the Department for the purpose of an intermediate or secondary school. Such grants may be paid in one sum or by such instalments as may be deemed expedient, but no such grant shall exceed one-half of the capital expenditure in aid of which it is made.

Hostels.

20. A committee on secondary education, or a school board having the management of an intermediate or secondary school, may, with the consent of, and subject to any conditions prescribed by, the Department establish, maintain, and manage, or combine with another or other committees, school boards, or other bodies in establishing, maintaining, and managing, a hostel or hostels for junior students, bursars, or other pupils attending intermediate or secondary schools. The scale of charges for residence and otherwise in connection with any such hostel shall from time to time be so adjusted as to defray as nearly as may be the expenditure in connection therewith not otherwise provided for, provided that a deficit occurring in any year, notwithstanding such adjustment, may, with the approval of the Department, be paid out of the district education fund or funds. Any committee, school board, or other body as aforesaid may, with the consent of the Department, accept and hold any gifts of property for the purposes of this section.

Conditions of dismissal of teachers in certain cases. 45 & 46 Vict. c. 18.

21. If at any time within six weeks after the adoption of a resolution for the dismissal of a teacher in terms of section three of the Public Schools (Scotland) Teachers Act, 1882, a petition shall be presented to the Department by the said teacher, praying for an inquiry into the reasons for the dismissal, the Department shall make such inquiry as they see fit, and if as the result of such inquiry they are of opinion that the dismissal is not reasonably justifiable they shall communicate such opinion to the school board with a view to reconsideration of the resolution, and in the event of the school board not departing from the resolution within six weeks thereafter may attach to the resolution the condition that the school board shall pay to the teacher such sum not exceeding one year's salary as the Department may determine; and any sum so determined may be recovered by the teacher as a debt from the school board: Provided that nothing herein contained shall affect the power of a school board summarily to suspend any teacher from the performance of his duties.

Power to unite school board districts.

22.—(1) Where it is represented to the Department by a school board that it would be expedient that the district or part of a district of the said school board should be united with the adjacent district or part of district of another school board so as for all purposes to constitute a district under one school board, the Department shall consult with the authorities concerned and may cause a local inquiry to be held, and, if they are of opinion that the districts should be united, may by order provide for uniting the said districts as aforesaid.

(2) The proposed order shall be published in the Edinburgh Gazette and in such other manner as to make the same known to parties interested, and the Department shall consider all objections and representations respecting the same, and may, after the expiry of not less than forty days from the date of the publication of the proposed order in the Edinburgh Gazette, finally make the order and cause the same to be forthwith published in the Edinburgh Gazette, and such order shall thereafter have effect as if enacted by Parliament unless or until revoked or modified by subsequent order in terms of this section.

(3) An order under this section may provide for all or any of the matters for which an order of the Secretary for Scotland referred to in section forty-six of the Local Government (Scotland) Act, 1894, may provide, and for the purposes of a local inquiry under this section the provisions of section ninety-three of the Local Government (Scotland) Act, 1889, shall apply with the substitution of the Department for the Secretary for Scotland. 57 & 58 Vict. c. 58. 52 & 53 Vict. c. 50.

23.—(1) The accounts of the receipts and expenditure of a school board shall be kept in the form prescribed by the Department, and shall be made up and balanced to the fifteenth day of May in every year by the treasurer of the school board, and shall be completed and signed by him and by the chairman of the school board before such date as the Department shall from time to time prescribe; and any treasurer failing to do his duty in terms of this subsection may be compelled to do so by Order of the Court of Session on the petition and complaint of the accountant of the Department. Keeping and audit of school board and other accounts.

(2) The following regulations with respect to audit shall be observed (that is to say):—

(*a*) Before each audit the clerk of the school board shall, after receiving from the accountant of the Department the requisite appointment, give at least fourteen days' notice, in such manner as shall be prescribed from time to time, of the time and place at which the audit will be made, and of the deposit of accounts required by this section, and of the name and address of the accountant of the Department;

(*b*) An abstract in duplicate of the accounts, duly made up, balanced, and signed as aforesaid, shall, together with all assessment books, account books, deeds, contracts, accounts, vouchers, and receipts mentioned or referred to in such accounts, be deposited in the offices of the school board and be open between the hours of eleven forenoon and three afternoon to the inspection of all ratepayers within the district of the school board liable to contribute to the school fund, as herein-before provided, for seven clear days before the audit, and all such persons shall be at liberty to take copies of or

extracts from the same without any fee; and any officer of the school board duly appointed in that behalf refusing to allow inspection thereof shall be liable to a penalty not exceeding five pounds;

(*c*) For the purpose of any audit under this Act the accountant of the Department may, by demand in writing, require the production before him of all books, deeds, contracts, accounts, vouchers, receipts, and other documents and papers which he may deem necessary, and may require any person holding the same, or accountable therefor, to appear before him at any such audit, or any adjournment thereof, and to make and sign a declaration as to the correctness of the same; and, if such person neglects or refuses so to appear, or to produce any such books, deeds, contracts, accounts, vouchers, receipts, documents, or papers, or to make or sign such declaration, he shall incur for every neglect or refusal a penalty not exceeding forty shillings; and if he falsely or corruptly makes or signs any such declaration, knowing the same to be untrue in any material particular, he shall be liable to the penalties inflicted on persons guilty of perjury;

(*d*) Any ratepayer may make any objection to such accounts or any part thereof, and shall transmit the same and the grounds thereof in writing to the accountant of the Department, and a copy thereof to the officer concerned, two clear days before the time fixed for the audit, and any ratepayer may be present at the audit and may support any objection made as herein-before provided either by himself or by any ratepayer;

(*e*) If it shall appear to the accountant of the Department acting in pursuance of this section that any payment is in his opinion contrary to law and should be disallowed, or that any sum which in his opinion ought to have been, is not brought into account by any person, whether such payment or failure to account has been made matter of objection or not, he shall, by an interim report under his hand, report thereon to the Department setting forth the grounds of his opinion as aforesaid, and the Department shall cause such interim report to be intimated to the objector, if any, and to the officer or other person affected thereby; and after due inquiry the Department shall decide all questions raised by such interim report, and shall disallow all illegal payments and shall allow all sums which ought to have been but have not been brought into account, and, in the event of any expenditure of the same nature as any payment so disallowed being incurred in any subsequent year by any school board to whom such disallowance shall have been timeously notified by the Department, the Department, if they

should be of opinion that the members authorising such expenditure should be surcharged, may present a petition to either Division of the Court of Session craving to have such expenditure declared illegal, and the said members of the school board ordained to refund the amount of such expenditure in the event of it being declared illegal; and the Court shall, before granting or refusing the prayer of such petition, consider any representations made in answer thereto by the members proposed to be surcharged; and the Court shall have power to find that the expenses of the said proceedings shall be payable by the said members personally or out of the school fund, as may appear just;

(*f*) Within fourteen days after the completion of the audit, or, as the case may be, after any proceedings under the immediately preceding paragraph of this subsection have been disposed of, the accountant of the Department shall report on the accounts audited, and shall certify on each duplicate abstract thereof the amount in words at length of the expenditure so audited and allowed, and further that the regulations with respect to the accounts have been complied with, and that he has ascertained by the audit the correctness of the accounts. He shall forthwith send one duplicate abstract of the accounts herein-before mentioned to the school board, who shall cause the same to be deposited in their office, and shall publish such abstract in the form prescribed by the Department in some one or more of the newspapers circulating in the district of the school board. The accountant of the Department shall also forthwith send the other duplicate abstract of the accounts so certified by him to the Department: Provided that, if the Secretary for Scotland shall so determine, such abstract may come in place of and render unnecessary a return of the receipts and expenditure of the school board in pursuance of the Local Taxation Returns (Scotland) Act, 1881; 44 & 45 Vict. c. 61.

(*g*) Where any surcharge has been made as herein-before provided, or the accountant of the Department has made any interim report or report respecting the accounts or the receipts and expenses of the school board, the school board shall cause the surcharge and interim report or report to be printed and published together with the abstract of their accounts herein-before mentioned, and to be delivered to any ratepayer, as in this section mentioned, who asks for the same, and in case of default in such publication the Department may cause the same to be published, and the cost of such publication, to the amount certified by the Department, shall be a debt due from the school board

to His Majesty, and the clerk of the school board shall be liable in case of default in such publication to a fine not exceeding twenty pounds;

(*h*) Notwithstanding anything in this section the Department may by minute prescribe rules modifying either generally or with reference to any one or more school boards any enactment contained in this subsection as to the time and place of audit.

(3) It shall be a condition of the payment by the Department of a grant to any school which is not under the management of a school board that the accounts of the income and expenditure of such school shall be set out according to a form prescribed by the Department, and shall together with the relative vouchers and other documents be submitted for examination and report to the accountant of the Department, and the amount of grant shall in no case be greater than the sum shown to the satisfaction of the Department to have been properly expended in giving instruction required or permitted by minutes of the Department in force for the time being.

(4) In this section the expression "accountant of the Department" includes any person or persons appointed from time to time by the Department for the purpose of exercising the powers or performing the duties conferred or imposed under the operation of this section upon the accountant of the Department, or any of such powers or duties.

(5) Nothing in this section contained shall affect the accounts of a school board or other managers for the year ending the fifteenth of May, in the year nineteen hundred and nine, or the audit of such accounts, and such accounts shall be kept, audited, and otherwise dealt with as if this Act had not passed.

(6) Notwithstanding anything in this section contained, any ratepayer or elector who shall be dissatisfied with the accounts of a school board or any item therein may complain against the same by petition to the sheriff specifying the grounds of objection, and the sheriff shall hear and determine the matter of complaint, and his decision shall be subject to the same right of appeal as in ordinary actions in the sheriff court: Provided always that it shall not be competent to petition the sheriff after the lapse of three months from the date of publication of the abstract of the accounts in terms of subsection (2) (*f*) of this section.

Additional borrowing powers. 35 & 36 Vict. c. 62.

24.—(1) The forty-fifth section of the Education (Scotland) Act, 1872, shall be read as if after the words "providing or enlarging a schoolhouse" there were inserted the words "or other premises or offices for the use of the school board, or a playground or recreation field, or in any works of improving or fitting up a schoolhouse, or such other premises, offices, playground, or recreation field, which, in the opinion of the Department, ought, by reason of the permanent character of such works, to be spread over a term of years."

(2) If in any year the school fund shall be insufficient to pay the amount of current annual expenditure falling due at any time, it shall be lawful for the school board to borrow by way of temporary loan or overdraft on the security of the school rate of that year such amount as may be necessary to meet such expenditure, but when any money has been so borrowed on the security of the school rate of any financial year it shall not be competent to borrow on the security of the rates of any other year until the money borrowed as aforesaid shall have been paid off.

Ascertainment of school rate per pound.

25. Where for the purpose of distributing parliamentary or other grants it shall be necessary to ascertain the school rate per pound in any parish or burgh in any year, such rate shall be held to be the fraction of a pound represented by the amount of the deficiency in the school fund divided by a sum equivalent to nine-tenths of the total valuation as in the valuation roll last available of such parish or burgh.

Powers of school boards as to maintenance, &c. of higher class public schools. 35 & 36 Vict. c. 62.

26. Section sixty-two, section sixty-three, and section sixty-four of the Education (Scotland) Act, 1872, shall no longer have effect, but the school board having the management of any school which is a higher class public school within the meaning of the said Act shall be bound to maintain the same in a condition of efficiency as a secondary school within the meaning of this Act, and shall have the same powers of providing for the maintenance thereof from the school fund as they have in respect of any other public school under their management.

School board elections. 57 & 58 Vict. c. 58. 35 & 36 Vict. c. 62.

27.—(1) The electors for the election of members of a school board shall, at each election after the election taking place in the year nineteen hundred and nine, consist of all parish electors within the meaning of the Local Government (Scotland) Act, 1894, having a qualification within the school board district; and after the last-mentioned election the provisions of paragraph 2 of Schedule B. of the Education (Scotland) Act, 1872, shall cease to have effect: Provided that, notwithstanding anything contained in the Education (Scotland) Act, 1872, the next election after the election in the year nineteen hundred and nine shall take place in the year one thousand nine hundred and eleven, being the year following the year of a parish council election.

41 & 42 Vict. c. 78.

(2) Section twenty-five of the Education (Scotland) Act, 1878, allowing school boards to have access to the valuation roll, shall be construed as if in addition to the valuation roll the parish council register were specified therein.

(3) The limitation of the number of members of a school board to not more than fifteen members shall no longer have effect.

Provision for default of governing body of educational endowment. 45 & 46 Vict. c. 59.

28. The power of the Department to send a requisition, under section forty-six of the Educational Endowments (Scotland) Act, 1882, to the governing body of an educational endowment, requiring them to give effect to the provisions of the scheme or provisional order under which the endowment is administered,

may be exercised as fully and with the same force and effect, after such inquiry as the Department shall think proper, notwithstanding that no application in terms of that section has been made to them, as upon such an application:

Provided always that, in any proceedings by way of petition and complaint instituted under the above-mentioned section, the court shall consider any representations made in answer to the said petition and complaint by the governing body or other parties interested.

Transference of endowed schools to school board. 15 & 16 Vict. c. 59.

29.—(1) The governing body of any intermediate or secondary school administered under a scheme approved in terms of the Educational Endowments (Scotland) Act, 1882, or under any Act or any Provisional Order confirmed by Act of Parliament, may, with a view to the maintenance of such school as an intermediate or secondary school, resolve to transfer the management thereof, together with the school buildings, and the revenue of the school from endowments in whole or in part, or, where the endowments are held solely for the purpose of such school, together with the endowments, to the school board of the parish or burgh in which the school is situated. The said school board shall have power to receive the same, to manage the school as an intermediate or secondary school, and to make good any deficiency in the income of the school as managed by them from the school fund: Provided that, where the Department are satisfied that the revenue of any school administered as aforesaid, being of a yearly value on an average of the three years immediately preceding of not more than one thousand pounds, is insufficient to maintain the school in a condition of satisfactory efficiency as a place of higher education, the Department may after due notice and inquiry, and after hearing any party who desires to be heard, issue an order transferring the management of the school, together with its buildings and revenue or endowments, as the case may be, as aforesaid to the school board if the school board are willing to undertake the same, and the school board shall in such case have power as aforesaid: Provided that the Department may by order make provision for all matters which appear to them necessary or proper for giving full effect to any transfer under this section, including provision for the determination of any existing trust whose whole endowments are so transferred: Provided also that the direct management of such a school (subject to the limitations upon the powers of managers imposed by section twenty-two of the Education (Scotland) Act, 1872), shall be committed to a committee of management appointed by the school board and constituted in accordance with a scheme approved by the Department.

35 & 36 Vict. c. 62.

(2) A resolution by a governing body under this section shall not take effect unless it is confirmed by a subsequent meeting called for that special purpose with not less than three weeks notice by circular sent to each member of the governing body to the usual or last known place of abode of such member, and held

not sooner than one month nor later than two months after the date of the first meeting, and at such second meeting the requisite majority to secure confirmation shall be not less than the absolute majority of the governing body.

Secondary education committees to administer revenues of endowments applicable to bursaries, &c. 15 & 16 Vict. c. 59.

30. When any part of the annual revenue administered under a scheme approved in terms of the Educational Endowments (Scotland) Act, 1882, or under any Provisional Order confirmed by Act of Parliament, is applicable to the granting of bursaries, or to the payment of fees, such part of the revenue, if not on the average exceeding fifty pounds per annum, shall be paid over in each year by the governing body of the endowment to the secondary education committee of the district, to be applied to the granting of bursaries in conformity with the district bursary scheme framed by the said committee, and, if on the average exceeding fifty pounds but not exceeding one thousand pounds per annum, shall, notwithstanding any provision of the scheme hitherto regulating the number, amount, conditions of tenure, or method of award of the bursaries, be applied by the governing body to the granting of bursaries in conformity with the district bursary scheme framed as aforesaid. Any question arising under this section as to the interpretation of the said scheme, or as to what revenues from an endowment are applicable to the granting of bursaries or to the payment of fees, shall be determined by the Department:

Provided that, when under the scheme hitherto in force a bursary is reserved for the benefit of any particular parish or district, or for any specially privileged class of persons, or is restricted in tenure to any particular school, college, or university, and when duly qualified applicants therefor are forthcoming, the same reservation and the restriction shall hold good with regard to the said bursary by whomsoever granted, notwithstanding anything that may be contained in the district bursary scheme, to such extent as funds derived from the endowment may be available:

Provided also that, when the governing body of any such endowment are of opinion that this section is inapplicable or is unfair in its application in the case of the endowment administered by them, they may represent their views to the Department, who, after making such inquiry as they may deem fit, may make an order either exempting the revenue of the said endowment from the provisions of the section, or confirming the application of the section to such revenue.

Saving of powers to vary districts, &c.

31. Nothing in this Act contained shall be construed as abolishing or restricting any power of the Department to vary the districts for which a committee on secondary education was appointed by minute of the Department dated the tenth day of June one thousand eight hundred and ninety-seven, or to vary the constitution of any such committee; and the provisions of this Act shall apply to any district or committee so varied as if they were respectively referred to therein.

Saving for certain existing officers.

32. Where a secretary or organiser of instruction or teachers of special subjects have been appointed by, and at the commencement of this Act hold office under, a county council, they shall respectively continue to hold office under the secondary education committee of the district upon the like terms and conditions.

Pensions, &c. for school board officers other than teachers.

33. Nothing in the Education (Scotland) Acts shall render it illegal for a school board with the consent of the Department to grant pensions, gratuities, or retiring allowances to officers and servants of the school board, other than teachers, who are incapacitated by age or infirmity.

Interpretation.

34. In this Act the following words and expressions have the meanings herein-after assigned to them unless such meaning is inconsistent with the context (that is to say):—

The expression "the Department" means the Scotch Education Department:

The expression "intermediate school" means a school or department of a school recognised by the Department as providing at least a three years' course of instruction in languages, mathematics, science, and such other subjects as may from time to time be deemed suitable for the instruction of pupils who have reached the stage of attainment in elementary subjects indicated in the first section of Article 29 of the Code of Regulations for day schools of 1908, or the corresponding standard prescribed by minutes of the Department for any subsequent year:

The expression "secondary school" means a school or department of a school recognised by the Department as providing at least a five years' course of instruction as aforesaid:

The expression "central institution" means one of the central institutions enumerated in the Second Schedule to this Act and any others which may subsequently be recognised as central institutions by minutes of the Department laid before Parliament:

The expression "day school" means a school or department of a school—

(*a*) conducted in accordance with the code of regulations of the Department for day schools, or

(*b*) providing a curriculum approved by the Department in terms of the regulations for the time being in force as to grants to secondary schools:

The expression "continuation class" means a class conducted in accordance with the Code of Regulations of the Department for classes providing further instruction for pupils who have left school:

The expression "the accountant of the Department" means the accountant appointed in pursuance of the fiftieth section of the Education (Scotland) Act, 1872:

35 & 36 Vict. c. 62.

The expression "provincial committee" means one of the committees for the training of teachers established by the minute of the Department dated the thirtieth day of

January one thousand nine hundred and five and includes any body that may hereafter be appointed in lieu thereof; and the expression "training centre" means the organisation for the training of teachers conducted by a provincial committee:

Except in section six of this Act, the expression "parent" includes guardian and any person who is liable to maintain or has the actual custody of the child or young person; and in section six the expression "guardian" includes any person as aforesaid:

The expression "state-aided school," where occurring in the Education (Scotland) Acts, 1872 to 1908, or any of them, means a school entitled to participate in the grant in relief of school fees in terms of the conditions set forth in the Scotch Education Code annually submitted to Parliament or a school in receipt of any other grant from the Department a condition of which is that the average fee per child shall not exceed ninepence a week or such other sum as may be fixed from time to time by regulations of the Department.

Repeal.

35. The enactments specified in the Third Schedule to this Act are hereby repealed to the extent mentioned in the third column thereof, and all enactments inconsistent with this Act are also hereby repealed.

Commencement of Act.

36. Except as otherwise provided, this Act shall commence on the first day of January one thousand nine hundred and nine.

SCHEDULES.

FIRST SCHEDULE.

Section 10.

SECTIONS 185, 186, AND 187 OF THE PUBLIC HEALTH (SCOTLAND) ACT, 1897.

Confirmation of byelaws.

185. Byelaws made by a local authority under this Act shall not take effect unless and until they have been submitted to and confirmed by the Board, who are hereby empowered to allow, modify, or disallow the same as they may think proper, nor shall any such byelaws be confirmed—

Unless notice of intention to apply for confirmation of the same has been given in one or more of the local newspapers circulated within, or by handbills posted throughout, the district to which such byelaws relate, one month at least before the making of such application; and

Unless for one month at least before any such application is considered a copy of the proposed byelaws has been kept at the office of the local authority, and in the case of districts other than burghs at the office of the parish council of every parish to which such byelaws relate, and has been open during office hours thereat to the inspection of the ratepayers of the district to which such byelaws relate without fee or reward.

Any person aggrieved by any proposed byelaw, or by any proposed alteration of a byelaw, may, within such last-mentioned month, forward notice of his objection to the Board, who shall consider the same before granting confirmation.

The clerk of the local authority shall, on the application of any such ratepayer, furnish him with a copy of such proposed byelaws or any part thereof, on payment of sixpence for every hundred words contained in such copy.

A byelaw when confirmed by the Board shall not require confirmation, allowance, or approval by any other authority.

Byelaws to be printed, &c.

186. All byelaws made by a local authority under this Act shall be printed and hung up in the office of such authority, and be open to the inspection of any ratepayer of the district at all reasonable hours; and a copy thereof shall be delivered to any ratepayer of the district to which such byelaws relate, on his application for the same; a copy of any byelaws made by a district committee shall also be transmitted to the parish council of every parish to which such byelaws relate, to be deposited with the public documents of the parish, and to be open to the inspection of any ratepayer of the parish at all reasonable hours, and a copy thereof shall be delivered to any ratepayer of the parish on his application for the same.

Evidence of byelaws.

187. A copy of any byelaws made under this Act by a local authority, signed and certified by the clerk of such authority to be a true copy and to have been duly confirmed, shall be evidence until the contrary is proved in all legal proceedings of the due making, confirmation, and existence of such byelaws without further or other proof.

Section 31.

SECOND SCHEDULE.

CENTRAL INSTITUTIONS.

Aberdeen, Gordon's College and Gray's School of Art.
Aberdeen and North of Scotland College of Agriculture.
Dundee Technical Institute.
Edinburgh and East of Scotland College of Agriculture.
Edinburgh, Heriot-Watt College.
Edinburgh College of Art.
Glasgow Athenæum Commercial College.
Glasgow and West of Scotland Technical College.
The West of Scotland Agricultural College.
Glasgow School of Art.
Leith Nautical College.

THIRD SCHEDULE.

Section 35.

ACTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
35 & 36 Vict. c. 62.	Education (Scotland) Act, 1872.	Section forty-eight, in part, namely— From the words "And once in each year," to the end of the section. Section forty-nine. Section sixty-two. Section sixty-three. Section sixty-four. The words "nor more than fifteen" in paragraph one of Schedule B.
39 & 40 Vict. c. 79.	Elementary Education Act, 1876.	Section fifty-three.
41 & 42 Vict. c. 78.	Education (Scotland) Act, 1878.	Section eighteen.
46 & 47 Vict. c. 56.	Education (Scotland) Act, 1883.	Section nine.
55 & 56 Vict. c. 63.	Technical Instruction Amendment (Scotland) Act, 1892.	The whole Act.
61 & 62 Vict. c. 57.	Elementary School Teachers' Superannuation Act, 1898.	Subsection (6) of section twelve.
1 Edw. 7. c. 9.	Education (Scotland) Act, 1901.	Section one.

CHAPTER 64.

An Act to consolidate the Enactments relating to Agricultural Holdings in Scotland. [21st December 1908.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

COMPENSATION FOR IMPROVEMENTS ON HOLDINGS.

Right of tenant to compensation for improvements.

1.—(1) Where a tenant of a holding has made thereon any improvement comprised in the First Schedule to this Act he shall, subject as in this Act mentioned, be entitled, at the

determination of a tenancy, on quitting his holding, to obtain from the landlord, as compensation under this Act for the improvement, such sum as fairly represents the value of the improvement to an incoming tenant.

(2) In the ascertainment of the amount of the compensation payable to a tenant under this section there shall be taken into account—

(*a*) any benefit which the landlord has given or allowed to the tenant in consideration of the tenant executing the improvement; and

(*b*) as respects manuring as defined by this Act, the value of the manure required by the lease or by custom to be returned to the holding in respect of any crops sold off or removed from the holding within the last two years of the tenancy or other less time for which the tenancy has endured, not exceeding the value of the manure which would have been produced by the consumption on the holding of the crops so sold off or removed.

(3) Nothing in this section shall prejudice the right of a tenant to claim any compensation to which he may be entitled under custom, agreement, or otherwise, in lieu of any compensation provided by this section.

Consent of landlord as to improvement in First Schedule, Part I.

2. Compensation under this Act shall not be payable in respect of any improvement comprised in Part I. of the First Schedule hereto, unless the landlord of the holding has, previously to the execution of the improvement, consented in writing to the making of the improvement, and any such consent may be given by the landlord unconditionally, or upon such terms as to compensation or otherwise as may be agreed upon between the landlord and the tenant, and, if any such agreement is made, any compensation payable under the agreement shall be substituted for compensation under this Act.

Notice to landlord as to improvement in First Schedule, Part II.

3.—(1) Compensation under this Act shall not be payable in respect of any improvement comprised in Part II. of the First Schedule hereto, unless the tenant of the holding has, not more than three nor less than two months before beginning to execute the improvement, given to the landlord notice in writing of his intention so to do, and of the manner in which he proposes to do the intended work, and upon such notice being given, the landlord and the tenant may agree on the terms as to compensation or otherwise on which the improvement is to be executed.

(2) If any such agreement is made, any compensation payable under the agreement shall be substituted for compensation under this Act.

(3) Or instead of making any such agreement the landlord may undertake to execute the improvement himself and, unless the notice of the tenant is previously withdrawn, proceed to do so in any reasonable and proper manner which he thinks fit, and recover from the tenant as rent a sum not exceeding five

per cent. per annum on the outlay incurred, or not exceeding such annual sum payable for a period of twenty-five years as will repay that outlay in that period, with interest at the rate of three per cent. per annum:

Provided that, in default of any such agreement or undertaking or in the event of the landlord failing to execute the improvement within a reasonable time, the tenant may execute the improvement, and shall in respect thereof be entitled to compensation under this Act.

(4) The landlord and the tenant may by the lease or otherwise agree to dispense with any notice under this section, and any such agreement may provide for anything for which an agreement after notice under this section may provide, and in such case shall be of the same validity and effect as such last-mentioned agreement.

Agreements as to improvement in First Schedule, Part III.

4. Where any agreement in writing secures to the tenant of a holding, for any improvement comprised in Part III. of the First Schedule hereto, fair and reasonable compensation, having regard to the circumstances existing at the time of making the agreement, the compensation so secured shall as respects that improvement be substituted for compensation under this Act.

Avoidance of contract inconsistent with Act.

5. Subject to the foregoing provisions of this Act, any contract or agreement made by a tenant of a holding, by virtue of which he is deprived of his right to claim compensation under this Act in respect of any improvement comprised in the First Schedule hereto, shall be void so far as it deprives him of that right.

Determination of claims to compensation.

6.—(1) If the tenant of a holding claims to be entitled to compensation, whether under this Act or under custom or agreement, or otherwise, in respect of any improvement comprised in the First Schedule to this Act, and if the landlord and tenant fail to agree as to the amount and time and mode of payment of the compensation, the difference shall be settled by arbitration.

(2) A claim by the tenant of a holding for compensation under this Act in respect of any improvement comprised in the First Schedule to this Act shall not be made after the determination of the tenancy:

Provided that, where the claim relates to an improvement executed after the determination of the tenancy, but while the tenant lawfully remains in occupation of part of the holding, the claim may be made at any time before the tenant quits that part.

(3) Where any claim by a tenant of a holding for compensation in respect of any improvement comprised in the First Schedule to this Act is referred to arbitration, and any sum is claimed to be due to the tenant from the landlord in respect of any breach of contract or otherwise in respect of the holding, or to the landlord from the tenant in respect of any deterioration wrongfully committed or permitted by the tenant, or in respect

of breach of contract or otherwise in respect of the holding, the party claiming that sum may, if he thinks fit, by notice in writing given by registered letter or otherwise to the other party not later than seven days after the appointment of the arbiter, require that the arbitration shall extend to the determination of the claim to that sum, and thereupon the provisions of this section with respect to arbitration shall apply accordingly.

(4) Where a claim for compensation under this Act has been referred to arbitration, and the compensation payable under an agreement is by this Act to be substituted for compensation under this Act, such compensation as is to be so substituted shall be awarded in respect of any improvement provided for by the agreement.

Right of tenant who has paid compensation to outgoing tenant.

7. Where an incoming tenant of a holding has, with the consent in writing of his landlord, paid to an outgoing tenant any compensation payable under or in pursuance of this Act in respect of the whole or part of any improvement, the incoming tenant shall be entitled on quitting the holding to claim compensation in respect of the improvement or part in like manner, if at all, as the outgoing tenant would have been entitled if he had remained tenant of the holding, and quitted it at the time at which the incoming tenant quits it.

Provision as to change of tenancy.

8. A tenant who has remained in his holding during two or more tenancies shall not, on quitting his holding, be deprived of his right to claim compensation under this Act in respect of improvements by reason only that the improvements were not made during the tenancy on the determination of which he quits the holding.

COMPENSATION FOR DAMAGE BY GAME AND FOR DISTURBANCE.

Compensation for damage by game.

9.—(1) Where a tenant of a holding has sustained damage to his crops from game, the right to kill and take which is vested neither in him nor in anyone claiming under him other than the landlord, and which the tenant has not permission in writing to kill, he shall subject as herein-after mentioned be entitled to compensation from his landlord for such damage if it exceeds in amount the sum of one shilling per acre of the area over which the damage extends, and any agreement to the contrary, or in limitation of such compensation, shall be void.

(2) The amount of compensation payable under this section shall, in default of agreement made after the damage has been suffered, be determined by arbitration, but no compensation shall be recoverable under this section unless notice in writing is given to the landlord as soon as may be after the damage was first observed by the tenant, and a reasonable opportunity is given to the landlord to inspect the damage—

(*a*) in the case of damage to a growing crop, before the crop is begun to be reaped, raised, or consumed; and

(*b*) in the case of damage to a crop reaped or raised, before it is begun to be removed from the land—

and unless notice in writing of the claim, together with the particulars thereof, is given to the landlord within one month after the expiration of the calendar year, or such other period of twelve months as by agreement between the landlord and tenant may be substituted therefor, in respect of which the claim is made.

(3) Where the landlord proves that, under a lease made before the commencement of this Act, any compensation for damage by game is payable by him, or that in fixing the rent to be paid under such lease allowance in respect of such damage to an agreed amount was expressly made, the arbiter shall make such deduction from the compensation which would otherwise be payable under this section as may appear just.

(4) Where the right to kill and take the game is vested in some person other than the landlord, the landlord shall be entitled to be indemnified by such other person against all claims for compensation under this section.

(5) For the purposes of this section the expression "game" means deer, pheasants, partridges, grouse, and black game.

Compensation for unreasonable disturbance.

10. Where—

(*a*) the landlord of a holding, without good and sufficient cause, and for reasons inconsistent with good estate management, terminates the tenancy by notice to quit, or, having been requested in writing, at least one year before the expiration of a tenancy, to grant a renewal thereof, refuses to do so; or

(*b*) it has been proved that an increase of rent is demanded from the tenant of a holding, and that such increase was demanded by reason of an increase in the value of the holding due to improvements which have been executed by or at the cost of the tenant, and for which he has not, either directly or indirectly, received an equivalent from the landlord, and such demand results in the tenant quitting the holding,

the tenant upon quitting the holding shall, in addition to the compensation (if any) to which he may be entitled in respect of improvements, and notwithstanding any agreement to the contrary, be entitled to compensation for the loss or expense directly attributable to his quitting the holding which the tenant may unavoidably incur upon or in connection with the sale or removal of his household goods, or his implements of husbandry, produce, or farm stock, on or used in connection with the holding:

Provided that no compensation under this section shall be payable—

(*a*) unless the tenant has given to the landlord a reasonable opportunity of making a valuation of such goods, implements, produce, and stock as aforesaid;

(*b*) unless the tenant has, within two months after he has received notice to quit or a refusal to grant a renewal of the tenancy, as the case may be, given to the landlord notice in writing of his intention to claim compensation under this section;

(*c*) where the tenant with whom a lease was made has died within three months before the date of the notice to quit, or in the case of a lease for years before the refusal to grant a renewal;

(*d*) if the claim for compensation is not made within three months after the time at which the tenant quits the holding.

In the event of any difference arising as to any matter under this section the difference shall, in default of agreement, be settled by arbitration.

PROCEDURE IN ARBITRATION.

Procedure in arbitrations.

11.—(1) All questions which under this Act or under the lease are referred to arbitration shall, whether the matter to which the arbitration relates arose before or after the passing of this Act, be determined, notwithstanding any agreement under the lease or otherwise providing for a different method of arbitration, by a single arbiter in accordance with the provisions set out in the Second Schedule to this Act.

(2) Where any claim which is referred to arbitration relates to an improvement executed or matter arising after the determination of the tenancy, but while the tenant lawfully remains in occupation of part of the holding, the arbiter may, if he thinks fit, make a separate award in respect of that claim.

(3) If in any arbitration under this Act the arbiter states a case for the opinion of the sheriff on any question of law, the opinion of the sheriff on any question so stated shall be final, unless within the time and in accordance with the conditions prescribed by act of sederunt either party appeals to either division of the Court of Session, from whose decision no appeal shall lie.

57 & 58 Vict. c. 13.

(4) The Arbitration (Scotland) Act, 1894, shall not apply to any arbitration under this Act.

(5) Any person who wilfully and corruptly gives false evidence before an arbiter or oversman in any arbitration under this Act shall be guilty of perjury, and may be dealt with, prosecuted, and punished accordingly.

Recovery of compensation and other sums due.

12. Any award or agreement under this Act as to compensation expenses or otherwise may, if any sum payable thereunder is not paid within one month after it becomes due, be competently recorded for execution in the books of council and session or sheriff court books, and shall be enforceable in like manner as a recorded decree arbitral.

CHARGE ON HOLDING FOR COMPENSATION.

Power for landlord on paying compensation to obtain charge.

13.—(1) A landlord, on paying to the tenant the amount due to him under this Act, or under custom or agreement, or otherwise in respect of compensation for an improvement comprised in the First Schedule hereto, or on his defraying himself the cost of improvements proposed to be executed by the tenant, shall be entitled to obtain from the Board an authority to charge, in favour of himself, his executors, administrators, and assignees, the holding or the estate of which it forms part by executing and registering in the register of sasines,—

(i) if the landlord has a leasehold interest in the holding, an assignation of the lease in security and for repayment of the amount paid or any part thereof, with such interest and by such instalments as the Board may determine; and

(ii) in any other case, a bond and disposition in security over the holding or the estate of which it forms part for repayment of the amount paid or any part thereof, with such interest and by such instalments as the Board may determine.

(2) Where the landlord obtaining the charge is not absolute owner of the holding for his own benefit, no instalment or interest shall by such bond and disposition in security or assignation be made payable after the time when the improvement in respect whereof compensation is paid will, in the judgment of the Board, have become exhausted, and such bond and disposition in security or assignation shall specify the times at which the total amount charged and each instalment thereof is to be payable.

(3) Any charge under this section shall rank after all prior charges and burdens heritably secured upon the holding or estate.

(4) Where a holding or estate is charged by the landlord under this section, the charge shall not be deemed to be a contravention of any prohibition against charging or burdening contained in the deed or instrument under which the holding or estate is held by the landlord.

(5) The price of any entailed land sold under the provisions of the Entail Acts, when such price is entailed estate within the meaning of those Acts, may be applied by the landlord in respect of the remaining portion of the entailed estate, or in respect of any other estate belonging to him and entailed upon the same series of heirs, in payment of any expenditure and costs incurred by him in pursuance of this Act for executing or paying compensation for any improvement mentioned in Part I. or Part II. of the First Schedule hereto, or in discharge of any charge with which the estate is burdened in pursuance of this Act or of any enactment hereby repealed in respect of the improvement.

Incidence of charge.

14. The sum charged by the order of the Board under this Act shall be a charge on the holding, or the estate of which it forms part, for the landlord's interest therein and for all interests therein subsequent to that of the landlord; but so that, in any case where the landlord's interest is an interest in a leasehold, the charge shall not extend beyond the interest of the landlord, his executors, administrators, and assignees.

Advance made by a company.

15. Any company now or hereafter incorporated by Parliament or incorporated under the Companies Acts, 1862 to 1900, and having power to advance money for the improvement of land, or for the cultivation and farming of land, may make an advance of money upon a bond and disposition in security or upon an assignation, as the case may be, executed upon the authority of the Board under this Act, or executed under any enactment hereby repealed, upon such terms and conditions as may be agreed upon between the company and the person entitled to the charge; and that company may assign any charge so acquired by them to any person or persons whomsoever.

Certificate as to charges.

16. Where a charge may be made under this Act for compensation, the person making the award shall, at the request and cost of the person entitled to obtain the charge, certify the amount to be charged and the term for which the charge may properly be made, having regard to the time at which each improvement in respect of which compensation is awarded is to be deemed to be exhausted.

REMOVING FOR NON-PAYMENT OF RENT.

Removal of tenants.

17. In any case in which the landlord's right of hypothec for the rent has ceased and determined—

(1) When six months rent of the holding is due and unpaid, it shall be lawful for the landlord to raise an action of removing before the sheriff against the tenant, concluding for his removal from the holding at the term of Whitsunday or Martinmas next ensuing after the action is brought, and, unless the arrears of rent then due are paid or caution is found to the satisfaction of the sheriff for the same, and for one year's rent further, the sheriff may decern the tenant to remove, and eject him at such term in the same manner as if the lease were determined, and the tenant had been legally warned to remove:

(2) A tenant so removed shall have the rights of an outgoing tenant to which he would have been entitled if his lease had naturally expired at such term of Whitsunday or Martinmas:

(3) The provisions of section five of the Act of sederunt anent removing of the fourteenth day of December seventeen hundred and fifty-six shall not apply in any case in which the procedure under this section is competent.

NOTICE OF TERMINATION OF TENANCY.

Notice of termination of tenancy.

18.—(1) Notwithstanding the expiration of the stipulated endurance of any lease, the tenancy shall not come to an end unless written notice has been given by either party to the other of his intention to bring the tenancy to an end—

(*a*) in the case of leases for three years and upwards, not less than one year nor more than two years before the termination of the lease; and

(*b*) in the case of leases from year to year, or for any other period less than three years, not less than six months before the termination of the lease.

(2) Failing such notice by either party, the lease shall be held to be renewed by tacit relocation for another year and thereafter from year to year.

(3) Notice by the landlord to the tenant under this section shall be given either in the same manner as notice of removal under section six of the Removal Terms (Scotland) Act, 1886, or in the form and manner prescribed by the Sheriff Courts (Scotland) Act, 1907, and shall come in place of the notice required by the last-mentioned Act.

49 & 50 Vict. c. 50.

7 Edw. 7. c. 51.

(4) Nothing in this section shall affect the right of a landlord to remove a tenant who has been sequestrated under the Bankruptcy (Scotland) Act, 1856, or who by failure to pay rent or otherwise has incurred any irritancy of his lease or other liability to be removed.

19 & 20 Vict. c. 79.

(5) The provisions of this section relative to notice shall not apply to any stipulation in a lease entitling the landlord to resume land for building, planting, feuing, or other purposes, or to subjects let for any period less than a year.

BEQUEST OF LEASE.

Bequest of lease.

19. A tenant of a holding may by will or other testamentary writing bequeath his lease to any person (in this section referred to as the legatee) subject to the following provisions:—

(*a*) The legatee shall intimate the testamentary bequest to the landlord within twenty-one days after the death of the tenant, unless he is prevented by some unavoidable cause from making intimation within that time, and in that event he shall make intimation as soon as possible thereafter:

(*b*) Intimation to the landlord by the legatee shall import acceptance of the lease by the legatee:

(*c*) Within one month after intimation has been made to the landlord he may intimate to the legatee that he objects to receive him as tenant under the lease:

(*d*) If the landlord makes no such intimation within one month, the lease shall be binding on the landlord and the legatee respectively, as landlord and tenant, as from the date of the death of the deceased tenant:

(*e*) If the landlord intimates that he objects to receive the legatee as tenant under the lease, the legatee may present a petition to the sheriff, praying for decree declaring that he is tenant under the lease as from the date of the death of the deceased tenant, of which petition due notice shall be given to the landlord, who may enter appearance and state his grounds of objection; and, if any reasonable ground of objection is established to the satisfaction of the sheriff, he shall declare the bequest to be null and void; but otherwise he shall decern and declare in terms of the prayer of the petition:

(*f*) The decision of the sheriff under such petition as aforesaid shall be final:

(*g*) Pending any proceedings under this section, the legatee shall have possession of the holding, unless the sheriff otherwise directs on cause shown:

(*h*) If the legatee does not accept the bequest, or if the bequest is declared to be null and void as aforesaid, the lease shall descend to the heir of the tenant in the same manner as if the bequest had not been made.

Fixtures and Buildings.

Tenant's property in fixtures and buildings.

20.—(1) Any engine, machinery, fencing, or other fixture affixed to a holding by a tenant, and any building erected by him thereon for which he is not under this Act or otherwise entitled to compensation, and which is not so affixed or erected in pursuance of some obligation in that behalf or instead of some fixture or building belonging to the landlord, shall be the property of and be removable by the tenant before or within a reasonable time after the determination of the tenancy:

Provided that—

(i) Before the removal of any fixture or building the tenant shall pay all rent owing by him, and shall perform or satisfy all other his obligations to the landlord in respect of the holding:

(ii) In the removal of any fixture or building the tenant shall not do any avoidable damage to any other building or other part of the holding:

(iii) Immediately after the removal of any fixture or building the tenant shall make good all damage occasioned to any other building or other part of the holding by the removal:

(iv) The tenant shall not remove any fixture or building without giving one month's previous notice in writing to the landlord of his intention to remove it:

(v) At any time before the expiration of such notice the landlord, by notice in writing given by him to the

tenant, may elect to purchase any fixture or building comprised in the notice given by the tenant as aforesaid and any fixture or building thus elected to be purchased shall be left by the tenant, and shall become the property of the landlord, who shall pay the tenant the fair value thereof to an incoming tenant of the holding; and any difference as to the value shall be settled by arbitration.

(2) The provisions of this section shall apply to a fixture or building acquired since the thirty-first day of December nineteen hundred by a tenant in like manner as they apply to a fixture or building affixed or erected by a tenant, but shall not apply to any fixture or building affixed or erected before the first day of January eighteen hundred and eighty-four.

MISCELLANEOUS RIGHTS OF LANDLORD AND TENANT.

Power of entry by landlord.

21. The landlord of a holding or any person authorised by him may at all reasonable times enter on the holding for the purpose of viewing the state of the holding.

Penal rents and liquidated damages.

22. Notwithstanding any provision in a lease making the tenant of a holding liable to pay a higher rent or other liquidated damages in the event of any breach or non-fulfilment of any of the terms or conditions in the lease, a landlord shall not be entitled to recover any sum in consequence of any such breach or non-fulfilment in excess of the damage actually suffered by him in consequence of the breach or non-fulfilment:

Provided that this section shall not apply to any of the terms or conditions in a lease prohibiting the breaking of permanent pasture, the grubbing of underwoods, or the felling, cutting, lopping, or injuring of trees, or regulating the burning of heather.

Freedom of cropping and disposal of produce.

23.—(1) Notwithstanding any custom of the country, or the provisions of any lease or agreement respecting the method of cropping of arable lands, or the disposal of crops, a tenant of a holding shall have full right to practise any system of cropping of the arable land on the holding, and to dispose of the produce of the holding, without incurring any penalty, forfeiture, or liability:

Provided that he shall previously have made, or, as soon as may be, shall make, suitable and adequate provision to protect the holding from injury or deterioration, which provision shall in the case of disposal of the produce of the holding consist in the return to the holding of the full equivalent manurial value to the holding of all crops sold off or removed from the holding in contravention of the custom, lease, or agreement.

This subsection shall not apply—

(*a*) in the case of a tenancy from year to year, as respects the year before the tenant quits the holding or any

period after he has given or received notice to quit which results in his quitting the holding; or

(*b*) in any other case, as respects the year before the expiration of the lease.

(2) If the tenant exercises his rights under this section in such a manner as to injure or deteriorate the holding, or to be likely to injure or deteriorate the holding, the landlord shall without prejudice to any other remedy which may be open to him be entitled to recover damages in respect of such injury or deterioration at any time, and, should the case so require, to obtain an interdict restraining the exercise of the rights under this section in that manner, and the amount of such damages may, in default of agreement, be determined by arbitration.

(3) A tenant shall not be entitled to any compensation in respect of improvements comprised in Part III. of the First Schedule to this Act which have been made for the purpose of making such provision to protect the holding from injury or deterioration as is required by this section.

(4) In this section the expression "arable land" shall not include land in grass which by the terms of any contract of tenancy is to be retained in the same condition throughout the tenancy.

Record of holding.

24. If at the commencement of a tenancy of a holding entered into after the commencement of this Act either party so requires, a record of the condition of the buildings, fences, gates, roads, drains, ditches, and cultivation of the holding shall be made within three months after the commencement of the tenancy by a person to be appointed in default of agreement by the Board, and in default of agreement the cost of making such record shall be borne by the landlord and tenant in equal proportions.

PERSONS UNDER DISABILITY.

Appointment of guardian.

25. Where a landlord or tenant is a pupil or minor, or is of unsound mind, not having a tutor, curator, or other guardian, the sheriff on the application of any person interested may appoint to him a tutor or curator for the purposes of this Act, and may recall the appointment and appoint another tutor or curator if and as occasion requires.

Provision as to limited owners.

26. Subject to the provisions of this Act in relation to Crown, ecclesiastical, and charity lands, a landlord, whatever may be his estate or interest in the holding, may give any consent, make any agreement, or do or have done to him any act in relation to improvements in respect of which compensation is payable under this Act, which he might give or make or do or have done to him if he were absolute owner of the holding.

CROWN LANDS.

Application to Crown lands.

27.—(1) This Act shall apply to land belonging to His Majesty in right of the Crown.

(2) With respect to any such land, for the purposes of this Act the Commissioners of Woods or other the proper officer or body having charge of the land for the time being, or, in case there is no such officer or body, then such person as His Majesty may appoint in writing under the Royal Sign Manual, shall represent His Majesty, and shall be deemed to be the landlord.

(3) The power given to the Treasury by section one of the Crown Lands Act, 1866 (being a power to direct the cost of certain improvements to be charged to capital and repaid out of income), shall extend to any compensation under this Act payable by the Commissioners of Woods in respect of an improvement comprised in Part I. or Part II. of the First Schedule hereto. 29 & 30 Vict. c. 62.

(4) Any compensation under this Act payable by those Commissioners, in respect of an improvement comprised in Part III. of the First Schedule hereto, shall be paid as part of the expenses of the management of the land revenues of the Crown.

Ecclesiastical and Charity Lands.

28. The powers by this Act conferred on a landlord (other than that of entering on a holding for the purpose of viewing the state of the holding) shall not be exercised by ministers in respect of their glebes, except with the approval in writing of the presbytery of the bounds, and shall not be exercised by trustees for ecclesiastical, educational, or charitable purposes, except with the previous approval in writing of the Secretary for Scotland. Application to glebe and charity land.

Special Provisions as to Market Gardens.

29.—(1) In the case of a holding in respect of which it is agreed by an agreement in writing made on or after the first day of January eighteen hundred and ninety-eight that the holding shall be let or treated as a market garden— Special provisions as to market gardens.

(i) the provisions of this Act shall apply as if the improvements comprised in the Third Schedule to this Act were comprised in Part III. of the First Schedule to this Act:

Provided that—

(*a*) in the case of Crown lands, compensation in respect of an improvement comprised in paragraphs (1) (2) and (5) of the said Third Schedule shall be paid in the same manner and out of the same funds as if it were an improvement comprised in Part I. of the said First Schedule; and

(*b*) the right of an incoming tenant to claim compensation in respect of the whole or part of an improvement which he has purchased may be exercised, although his landlord has not consented in writing to the purchase:

(ii) The provisions of this Act relating to tenants' property in fixtures and buildings shall extend to every fixture or building affixed or erected by the tenant to or upon the holding, or acquired by him since the thirty-first day of December nineteen hundred, for the purposes of his trade or business as a market gardener:

(iii) It shall be lawful for the tenant to remove all fruit trees and fruit bushes planted by him on the holding and not permanently set out; but, if the tenant does not remove such fruit trees and fruit bushes before the determination of his tenancy, they shall remain the property of the landlord, and the tenant shall not be entitled to any compensation in respect thereof.

(2) Where under a lease current on the first day of January eighteen hundred and ninety-eight a holding was at that date in use or cultivation as a market garden with the knowledge of the landlord, and the tenant thereof has then executed thereon, without having received previously to the execution thereof any written notice of dissent by the landlord, any improvement comprised in the Third Schedule to this Act, the provisions of this section shall apply, in respect of that holding, as if it had been agreed in writing after that date that the holding should be let or treated as a market garden, so however that the improvements in respect of which compensation is payable under those provisions as so applied shall include improvements executed before as well as improvements executed after that date:

Provided that where such a tenancy was a tenancy from year to year the compensation payable in respect of an improvement comprised in the Third Schedule to this Act shall be such (if any) as could have been claimed if this Act had not been passed.

(3) Where the land to which such agreement relates or so used and cultivated consists of part of a holding only, this section shall apply as if that part were a separate holding.

Supplemental Provisions.

Prohibition of appeal from sheriff-substitute.

30. Where any jurisdiction committed by this Act to the sheriff is exercised by the sheriff-substitute there shall be no appeal to the sheriff.

Expenses in sheriff court.

31. The Court of Session may by act of sederunt prescribe a scale of expenses for proceedings in the sheriff court under this Act, and such expenses shall be taxed by the auditor of the sheriff court.

General savings of rights.

32. Except as in this Act expressed, nothing in this Act shall prejudicially affect any power, right, or remedy of a landlord, tenant, or other person, vested in or exerciseable by him by virtue of any other Act or law, or under any custom of the country, or otherwise, in respect of a lease or other contract, or

of any improvements, deteriorations, away-going crops, fixtures, tax, rate, teind, rent, or other thing.

Validity of consents, &c.

33. It shall be no objection to any consent in writing or agreement in writing under this Act signed by the parties thereto or by any persons authorised by them that the consent or agreement has not been executed in accordance with the statutes regulating the execution of deeds in Scotland.

Improvements executed under repealed enactments.

34. Except as otherwise expressly provided by this Act, the compensation in respect of an improvement made or begun before the commencement of this Act, or made upon a holding held under a lease, other than a lease from year to year, current on the first day of January eighteen hundred and eighty-four, shall be such (if any) as could have been claimed if this Act had not been passed, but the procedure for the ascertainment and recovery thereof shall be such as is provided by this Act, and the amount so ascertained shall be payable, recoverable, and chargeable as if it were compensation under this Act.

Interpretation.

35.—(1) In this Act, unless the context otherwise requires,—

"Lease" means a letting of or agreement for letting land for a term of years, or for lives, or for lives and years, or from year to year;

"Determination of tenancy" means the termination of a lease by reason of effluxion of time, or from any other cause;

"Landlord" means any person for the time being entitled to receive the rents and profits or to take possession of any holding;

"Tenant" means the holder of land under a lease;

"Landlord" or "tenant" includes the executors, administrators, assignees, legatee, disponee, or next-of-kin, husband, guardian, curator bonis, or trustee in bankruptcy, of a landlord or tenant;

"Absolute owner" means the owner or person capable of disposing by disposition or otherwise of the fee simple or dominium utile of the whole interest of or in land, although the land, or his interest therein, is burdened, charged, or encumbered;

"Holding" means any piece of land held by a tenant, which is either wholly agricultural or wholly pastoral, or in part agricultural and as to the residue pastoral, or in whole or in part cultivated as a market garden, and which is not let to the tenant during his continuance in any office, appointment, or employment held under the landlord;

"Market garden" means a holding cultivated, wholly or mainly, for the purpose of the trade or business of market gardening;

"Board" means the Board of Agriculture and Fisheries;

"Manuring" means any of the improvements numbered twenty-three, twenty-four, and twenty-five in Part III. of the First Schedule hereto;

(2) The designations of landlord and tenant shall continue to apply to the parties until the conclusion of any proceedings taken under or in pursuance of this Act in respect of compensation for improvements, or under any agreement made in pursuance of this Act.

(3) Anything which by or under this Act is required or authorised to be done to, by, or in respect of the landlord of a holding may be done to, by, or in respect of any agent of the landlord duly authorised in that behalf.

Repeal.

36. The enactments specified in the Fourth Schedule to this Act are hereby repealed to the extent mentioned in the third column of that schedule:

Provided that all orders, acts of sederunt, scales of expenses, and instruments issued and notices and consents given and having effect under any enactment hereby repealed shall have effect as if they had been made or given under this Act.

Commencement.

37. This Act shall come into operation on the first day of January nineteen hundred and nine.

Short title and extent.

38.—(1) This Act may be cited as the Agricultural Holdings (Scotland) Act, 1908.

(2) This Act shall extend to Scotland only.

SCHEDULES.

Sections 1 to 6, 13, 23, 27, and 29.

FIRST SCHEDULE.

PART I.

IMPROVEMENTS TO WHICH CONSENT OF LANDLORD IS REQUIRED.

(1) Erection, alteration, or enlargement of buildings.
(2) Formation of silos.
(3) Laying down of permanent pasture.
(4) Making and planting of osier beds.
(5) Making of water meadows or works of irrigation.
(6) Making of gardens.
(7) Making or improvement of roads or bridges.
(8) Making or improvement of watercourses, ponds, wells, or reservoirs, or of works for the application of water power or for supply of water for agricultural or domestic purposes.

(9) Making or removal of permanent fences.

(10) Planting of hops.

(11) Planting of orchards or fruit bushes.

(12) Protecting young fruit trees.

(13) Reclaiming of waste land.

(14) Warping or weiring of land.

(15) Embankments and sluices against floods.

(16) Erection of wirework in hop gardens.

[N.B.—*This part is subject as to market gardens to the provisions of the Third Schedule.*]

Part II.

Improvement in respect of which Notice to Landlord is required.

(17) Drainage.

Part III.

Improvements in respect of which Consent of or Notice to Landlord is not required.

(18) Chalking of land.

(19) Clay-burning.

(20) Claying of land or spreading blaes upon land.

(21) Liming of land.

(22) Marling of land.

(23) Application to land of purchased artificial or other purchased manure.

(24) Consumption on the holding by cattle, sheep, or pigs, or by horses other than those regularly employed on the holding, of corn, cake, or other feeding stuff not produced on the holding.

(25) Consumption on the holding by cattle, sheep, or pigs, or by horses other than those regularly employed on the holding, of corn proved by satisfactory evidence to have been produced and consumed on the holding.

(26) Laying down temporary pasture with clover, grass, lucerne, sainfoin, or other seeds, sown more than two years prior to the determination of the tenancy.

(27) Repairs to buildings, being buildings necessary for the proper cultivation or working of the holding, other than repairs which the tenant is himself under an obligation to execute:

Provided that the tenant, before beginning to execute any such repairs, shall give to the landlord notice in writing of his intention, together with particulars of such repairs, and shall not execute the repairs unless the landlord fails to execute them within a reasonable time after receiving such notice.

Section 11.

SECOND SCHEDULE.

RULES AS TO ARBITRATION.

Appointment of Arbiter.

1. A person agreed upon between the parties, or in default of agreement nominated by the Board on the application in writing of either of the parties, shall be appointed arbiter.

2. If a person appointed arbiter dies, or is incapable of acting, or for seven days after notice from either party requiring him to act fails to act, a new arbiter may be appointed as if no arbiter had been appointed.

3. Neither party shall have power to revoke the appointment of the arbiter without the consent of the other party.

4. Every appointment, notice, revocation, and consent under this part of these rules must be in writing.

Time for Award.

5. The arbiter shall make and sign his award within twenty-eight days of his appointment or within such longer period as the Board may (whether the time for making the award has expired or not) direct.

Removal of Arbiter.

6. Where an arbiter has misconducted himself the sheriff may remove him.

Evidence.

7. The parties to the arbitration, and all persons claiming through them respectively, shall, subject to any legal objection, submit to be examined by the arbiter on oath or affirmation in relation to the matters in dispute, and shall, subject as aforesaid, produce before the arbiter all samples, books, deeds, papers, accounts, writings, and documents, within their possession or power respectively which may be required or called for, and do all other things which during the proceedings the arbiter may require.

8. The arbiter shall have power to administer oaths, and to take the affirmation of parties and witnesses appearing, and witnesses shall, if the arbiter thinks fit, be examined on oath or affirmation.

Statement of Case.

9. The arbiter may at any stage of the proceedings, and shall, if so directed by the sheriff (which direction may be given on the application of either party), state in the form of a special case for the opinion of the sheriff any question of law arising in the course of the arbitration.

Award.

10. The arbiter shall, on the application of either party, specify the amount awarded in respect of any particular improvement or any particular matter the subject of the award, and the award shall fix a day not sooner than one month or later than two months after the delivery of the award

for the payment of the money awarded as compensation, expenses, or otherwise, and shall be in such form as may be prescribed by the Board.

11. The award to be made by the arbiter shall be final and binding on the parties and the persons claiming under them respectively.

12. The arbiter may correct in an award any clerical mistake or error arising from any accidental slip or omission.

13. When an arbiter has misconducted himself, or an arbitration or award has been improperly procured, the sheriff may set the award aside.

Expenses.

14. The expenses of and incidental to the arbitration and award shall be in the discretion of the arbiter, who may direct to and by whom and in what manner those expenses or any part thereof are to be paid, and the expenses shall be subject to taxation by the auditor of the sheriff court on the application of either party, but that taxation shall be subject to review by the sheriff.

15. The arbiter shall, in awarding expenses, take into consideration the reasonableness or unreasonableness of the claim of either party, either in respect of amount or otherwise, and any unreasonable demand for particulars or refusal to supply particulars, and generally all the circumstances of the case, and may disallow the expenses of any witness whom he considers to have been called unnecessarily and any other expenses which he considers to have been incurred unnecessarily.

Forms.

16. Any forms for proceedings in arbitrations under this Act which may be prescribed by the Board shall, if used, be sufficient.

THIRD SCHEDULE.

Section 29.

IMPROVEMENTS SUBJECT TO SPECIAL PROVISIONS IN THE CASE OF MARKET GARDENS.

(1) Planting of standard or other fruit trees permanently set out;

(2) Planting of fruit bushes permanently set out;

(3) Planting of strawberry plants;

(4) Planting of asparagus, rhubarb, and other vegetable crops which continue productive for two or more years;

(5) Erection or enlargement of buildings for the purpose of the trade or business of a market gardener.

Section 36.

FOURTH SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
46 & 47 Vict. c. 62.	The Agricultural Holdings (Scotland) Act, 1883.	The whole Act.
60 & 61 Vict. c. 22.	The Market Gardeners' Compensation (Scotland) Act, 1895.	The whole Act.
63 & 64 Vict. c. 50.	The Agricultural Holdings Act, 1900.	The whole Act, so far as not repealed.
6 Edw. 7. c. 56.	The Agricultural Holdings Act, 1906.	The whole Act, so far as not repealed.

CHAPTER 65.

An Act to regulate and amend the Law relating to Summary Jurisdiction and Criminal Procedure in Scotland. [21st December 1908.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

PRELIMINARY.

Short title and commencement.

1. This Act may be cited for all purposes as the Summary Jurisdiction (Scotland) Act, 1908, and shall come into operation on the first day of June nineteen hundred and nine.

Interpretation of terms.

2. In this Act, which, except where otherwise indicated, shall apply to Scotland only, the following words and expressions are used in the following senses, unless the context shows that a different sense is intended:—

"Appellant" shall mean any party appealing against a judgment of a court of summary criminal jurisdiction:

"Bail" shall include any pledge lodged by or on behalf of an accused person as security for his appearance at any diet of court:

"Cause" means and includes every proceeding brought under this Act:

"Clerk of court" shall mean the clerk of any court of summary criminal jurisdiction, and shall include depute clerk, and any person duly authorised to exercise the duties of clerk of court:

"Clerk of justiciary" shall mean the clerk of the High Court, and shall include any person duly authorised to represent or act for such clerk:

"Complaint" shall include summons and information, and any schedule or list annexed to any complaint:

"County" shall extend to the limits within which a sheriff has jurisdiction in criminal matters, whether by statute or at common law, and shall include district of a county:

"Court" shall mean any court of summary criminal jurisdiction, and shall include sheriff court, justice of peace court, burgh court, police court, and the court of the bailie of the river and firth of Clyde:

"District of a county" shall mean any part of a county in which a separate sheriff court is held and for which a separate procurator fiscal is appointed:

"Extract conviction" or "extract of previous conviction" shall include certified copy conviction, certificate of conviction, and any other document under the hand of the proper officer in use to be issued from any court of justice of the United Kingdom as evidence of a conviction or convictions:

"High Court" shall mean High Court of Justiciary:

"Judge" shall mean any sheriff, justice of the peace, and any magistrate or other judge of a court of summary criminal jurisdiction:

"Justice of the peace" shall mean any of His Majesty's justices of the peace for any county or county of a city in Scotland acting within such county or county of a city:

"Law agent" shall mean a law agent enrolled in terms of the Law Agents (Scotland) Act, 1873, and any Act explaining or amending that Act: 36 & 37 Vict. c. 63.

"Offence" shall mean an act or attempt or omission punishable by law:

"Officer of law" shall include chief constable, deputy chief constable, constable, criminal officer, sheriff officer, prison warder, and any person having authority to execute a warrant of court:

"Order" shall mean any order, byelaw, rule, or regulation having statutory authority:

"Penalty" shall include fine and any sum of money which may, under the authority of any statute or order, be recoverable from any person in respect of the contravention of any statutory requirement or prohibition, and any sum which may, under the authority of any statute or order, be recoverable as a penalty or forfeiture, or of which a court has power to order payment, as also the forfeiture of any article where such forfeiture is authorised by statute or order:

"Prosecutor" shall include procurator-fiscal, assistant procurator-fiscal, burgh prosecutor, and any other persons prosecuting in the public interest, private prosecutor, and complainer, and any person duly authorised to represent or act for any public prosecutor:

"Respondent" shall mean and include any party to an appealed cause other than the appellant:

"Statute" shall mean any Act of Parliament, public general, local, or private, and any Provisional Order confirmed by Act of Parliament:

"Witness" shall include haver.

Repeal.

3. The Acts mentioned in Schedule A. to this Act are, to the extent specified in the third column of that schedule, hereby repealed, and all statutes, laws, and usages, so far as the same are inconsistent or at variance with the provisions of this Act, are hereby repealed.

JURISDICTION.

Application of Act.

4. This Act so far as relating to summary procedure shall apply to summary proceedings in respect of (*a*) any offence which might prior to the passing of this Act, or which may under the provisions of this or any future Act, be tried in a summary manner; (*b*) any offence or the recovery of a penalty under any statute which does not exclude summary procedure; (*c*) any order ad factum præstandum, or other order of court or warrant competent to a court of summary criminal jurisdiction; and shall apply to procedure in all courts of summary criminal jurisdiction in so far as they have jurisdiction in the matters aforesaid. Where any statute provides for proceedings being taken under the Summary Procedure Act, 1864, the Summary Jurisdiction (Scotland) Acts, 1864 and 1881, or under any general or local Police Act, or under any public general or local Act incorporating any section of any Act hereby repealed, or for appeal under the Summary Prosecutions Appeals (Scotland) Act, 1875, such proceedings or appeal shall be taken under this Act.

27 & 28 Vict. c. 53.
44 & 45 Vict. c. 33.
38 & 39 Vict. c. 62.

This Act shall, notwithstanding any special provisions to the contrary contained in any of the statutes relating to His Majesty's revenue under the control of the Commissioners of Inland Revenue or the Commissioners of Customs, apply to all summary proceedings under or by virtue of any of the said statutes; and in such proceedings it shall be lawful to grant decree for the condemnation of goods seized as forfeited under the provisions of the said Acts, and prosecutions under the Revenue Acts shall, without prejudice to any appeal competent under this Act, continue to be subject to appeal to quarter sessions and to the Court of Exchequer in Scotland in manner therein provided:

Provided that, where the sum adjudged by conviction under or by virtue of any of the said statutes to be paid exceeds fifty pounds, the period of imprisonment imposed in respect of the non-payment of such sum may exceed three months but shall not exceed six months.

Nothing in this Act shall extend or be construed to extend to any warrant or order for the removal of any poor person who is or shall become chargeable to any parish or district, nor to any information or complaint or other proceeding under or by virtue of any statutory provision for the recovery of any rate, tax, or impost whatsoever.

Application of Act 50 & 51 Vict. c. 35.

5. The enactments contained in the sections of the Criminal Procedure (Scotland) Act, 1887, which are set out in Schedule B. to this Act shall apply to all proceedings under this Act except where there is anything in any section which specially applies to procedure in the High Court and in the sheriff and jury court, the words "summary complaint" being substituted for the word "indictment," and the words "offence punishable on summary complaint" being substituted for the word "crime" and the expression "indictable crime" respectively, and the word "court" being substituted for the word "jury."

Civil proceedings for penalties.

6. Nothing contained in this Act shall affect any right to sue for any penalty, or to apply for any order of court or other warrant ad factum præstandum in the court of session or sheriff court, but it shall not be competent to sue for penalties in the small debt court.

Jurisdiction and powers of courts.

7. The jurisdiction and powers of all courts of summary criminal jurisdiction, except in so far as the same may be altered or modified by this or any future Act, shall remain as at the commencement of this Act, and the justice of peace court and justices of the peace, and also any judge of police or burgh magistrate, shall, without prejudice to any other or wider powers conferred by statute, be entitled to exercise within their respective jurisdictions power on convicting of a common law offence—

(1) To award imprisonment with or without hard labour for any period not exceeding sixty days;
(2) To impose a fine not exceeding ten pounds;
(3) To ordain the accused (in lieu of or in addition to the said imprisonment or fine) to find caution for good behaviour for any period not exceeding six months and to an amount not exceeding twenty pounds;
(4) Failing payment of the said fine or on failure to find the said caution, to award imprisonment according to the scale prescribed by this Act; provided always that in no case shall the total imprisonment exceed sixty days.

Certain crimes not to be tried in inferior courts.

8. A court of summary criminal jurisdiction (other than the sheriff court) shall not have jurisdiction to try or to pronounce sentence in, but shall, to the extent and in the manner in the

next succeeding section mentioned, be entitled to take cognizance of, the case of any person found within the jurisdiction of such court, and brought before such court accused or suspected of having committed at any place beyond the jurisdiction of such court any offence, or the case of any person brought before such court accused of or suspected of having committed within the jurisdiction thereof any of the following offences:—

(1) Murder, culpable homicide, robbery, rape, wilful fire-raising, or attempt at wilful fire-raising:

(2) Stouthrief, theft by housebreaking, or housebreaking with intent to steal:

(3) Theft, or reset of theft, to an amount exceeding ten pounds; or theft, or reset of theft, aggravated by two previous convictions of any offence inferring dishonest appropriation of property, or theft by opening lock-fast places:

(4) Falsehood, fraud, and wilful imposition to an amount exceeding ten pounds, or falsehood, fraud, and wilful imposition aggravated by two previous convictions of any offence inferring dishonest appropriation of property:

(5) Breach of trust and embezzlement to an amount exceeding ten pounds, or breach of trust and embezzlement aggravated by two previous convictions of any offence inferring dishonest appropriation of property:

(6) Assault whereby any limb has been fractured, or assault with intent to ravish, or assault to the danger of life, or assault by stabbing:

(7) Uttering forged documents or uttering forged bank or banker's notes, or offences under the Acts relating to coinage:

Provided that it shall not be deemed a conviction within the meaning of this section if the accused has been dismissed with an admonition or placed on probation without any sentence having been subsequently pronounced.

Remit to higher court or other jurisdiction.

9. If either in the preliminary investigation or in the course of the trial it shall appear that the offence charged is one which cannot competently be tried in the court, or is one which, in the opinion of the court owing to the circumstances of the case, should be dealt with by a higher court, it shall be lawful for the court to commit the accused to prison for examination for any period not exceeding four days, and the prosecutor shall forthwith give notice of such committal to the procurator fiscal of the county within which such offence was committed, or to such other official as may be entitled to take cognizance thereof, in order that the accused may be dealt with according to law.

Boundaries of jurisdiction.

10.—(1) Where an offence is committed in any harbour, river, arm of the sea, or other water (tidal or other) which runs between or forms the boundary of the jurisdiction of two or more courts, such offence may be tried by any one of such courts.

(2) Where an offence is committed on the boundary of the jurisdiction of two or more courts, or within the distance of five hundred yards of any such boundary, or partly within the jurisdiction of one court and partly within the jurisdiction of another court or courts, such offence may be tried by any one of such courts.

(3) Where an offence is committed on any person or in respect of any property in or upon any carriage, cart, or vehicle whatsoever employed in a journey by road or railway, or on board any vessel whatsoever employed in a river, lake, canal, or inland navigation, such offence may be tried by any court through whose jurisdiction such carriage, cart, vehicle, or vessel passed in the course of the journey or voyage during which the offence was committed, and, where the side, bank, centre, or other part of the road, railway, river, lake, canal, or inland navigation along which the carriage, cart, vehicle, or vessel passed in the course of such journey or voyage is the boundary of the jurisdiction of two or more courts, such offence may be tried by any one of such courts.

(4) Where several offences, which if committed in one county could be tried under one complaint, are alleged to have been committed by any person in different counties, the accused may be tried for all or any of said offences under one complaint before the sheriff of any one of such counties.

(5) Where an offence is authorised by this section to be tried by any court, it may be dealt with, heard, tried, determined, adjudged, and punished as if the offence had been wholly committed within the jurisdiction of such court.

Summary powers of sheriff.

11. The sheriff shall, without prejudice to any other or wider powers conferred by statute, have power on summarily convicting any person of a common law offence—

(1) To impose a fine not exceeding twenty-five pounds:

(2) To ordain the accused to find caution for good behaviour for any period not exceeding twelve months and to an amount not exceeding twenty-five pounds, said caution being either in lieu of or in addition to a fine or in addition to imprisonment as herein-after in this section mentioned:

(3) Failing payment of said fine, or on failure to find said caution, to award imprisonment as prescribed in section forty-eight of this Act:

(4) To award imprisonment, with or without hard labour, for any period not exceeding three months.

The sheriff shall have a concurrent jurisdiction with every other court within his sheriffdom in regard to all offences competent for trial in such courts.

In certain cases sentence not exceeding six months' imprisonment competent.

12. Where a person is charged with any offence inferring dishonest appropriation of property, or attempt thereat, aggravated by at least two previous convictions of any such offence, or where a person is charged with any offence inferring personal violence aggravated by at least two previous convictions of any such offence, he may on summary conviction by the sheriff, without prejudice to any wider powers conferred by statute, be sentenced to imprisonment for any period not exceeding six months with or without hard labour.

Trial of certain offences.

13. Any offence described in any statute as a "misdemeanour" or a "crime and offence" may be tried in the sheriff court either by indictment or summarily, and, if tried summarily, the imprisonment competent on conviction shall without prejudice to any wider powers conferred by statute not exceed three months.

PROCEDURE PRIOR TO TRIAL.

Chief constable in certain cases may accept of bail.

14. Upon the apprehension of any person charged with any offence which may be competently tried before a court of summary criminal jurisdiction (other than the sheriff court), it shall be lawful for the chief constable, or other officer of police having charge in absence of the chief constable at any police office or station, to accept bail or deposit, by a surety or by such person, that such person shall appear for trial before such court, or before the sheriff court, at some time and place to be specified, and at all after diets of court, and to liberate the person so apprehended upon bail being found to an amount not exceeding twenty pounds or upon the deposit of any money or article of value to the amount of the bail fixed; and the chief constable or other officer of police, if deposit be accepted, shall immediately enter the same in a book to be kept for the purpose, and grant an acknowledgment for the money or article so deposited, in which acknowledgment the time and place fixed for the accused's appearance shall be set forth: Provided always that the chief constable or other officer of police may refuse, if he see cause, to accept bail in any shape; and the refusal to accept bail or deposit, and the detention of the person so apprehended until the case of such person is tried in the usual form, shall not subject the chief constable or other officer of police to any claim for damages, wrongous imprisonment, or claim of any other kind whatsoever: Provided also that it shall be lawful to liberate any such person without bail, or to discharge him, if the chief constable or other officer deem it proper so to do; and, if any person fail to appear in redemption of his bail or deposit, not only may the same be forfeited, but warrant may be granted for his apprehension.

Intimation to law agent of accused.

15. In any proceedings under this Act the accused if apprehended shall immediately on apprehension be entitled, if he so desires, to have intimation sent to any law agent, and to have a private interview with such law agent prior to being brought before the court.

Forms of procedure.

16. The forms of procedure under this Act shall be in accordance with the forms contained in Schedules C, D, E, F, and H to this Act, or as nearly conform thereto as the circumstances permit. Warrants of apprehension and search shall be signed by the judge granting the same, but all other warrants, orders of court, and sentences may be signed either by the judge or clerk of court, and execution upon any warrant, order of court, or sentence may proceed either upon such warrant, order of court, or sentence itself or upon an extract thereof issued and signed by the clerk of court. Where, as preliminary to any procedure, a sworn information is required, such information may be sworn to before any judge, whether the subsequent procedure be in his court or another court. It shall be lawful for the High Court, on the application of the Lord Advocate, by Act of Adjournal, to cancel or amend any of the forms of procedure under this Act or to provide additional forms, and to make any rules which may be necessary to give effect to any of the provisions of this Act, and to fix and regulate the fees payable in any proceedings under this Act, and until altered by Act of Adjournal the fees payable in the inferior courts shall be those set forth in Schedule G. to this Act. Nothing in this section shall affect the regulations enacted by the Courts of Law Fees (Scotland) Act, 1895. 58 Vict. c. 14.

Incidental applications.

17. Where prior to the presentation of a complaint it is necessary to apply to the court for any warrant or order of court as incidental to subsequent proceedings by complaint, or where the court has power to grant any warrant or order of court, although no subsequent procedure by complaint may follow thereon, such application may be by petition at the instance of a prosecutor in the form, or as nearly as may be in the form, contained in Schedule F. to this Act, and, where necessary for the execution of any such warrant or order of court, warrant to break open lock-fast places shall be implied.

Complaint.

18. All proceedings under this Act for the trial of offences or recovery of penalties shall be instituted by complaint in the form contained in Schedule C. to this Act. Such complaint shall be signed by the prosecutor or by any law agent on behalf of a prosecutor other than the public prosecutor of a court, and any law agent may appear for and conduct any prosecution on behalf of a prosecutor other than the public prosecutor of a court. Complaints at the instance of private prosecutors for offences at common law and for statutory offences where imprisonment without the option of a fine is competent shall, unless otherwise provided in any statute, require the concurrence of the procurator fiscal or other public prosecutor of the court in which they are brought.

The charge.

19. The charge in such complaint shall be stated in accordance with the forms contained in Schedule C. to this Act. No

further specification shall be required than a specification similar to that given in said forms and—

(1) The description of any offence in the words of the statute or order contravened, or in similar words, shall be sufficient:

(2) The statement that an act was done contrary to a statute or order shall imply a statement that the statute or order applied to the circumstances existing at the time and place of the offence, that the accused was a person bound to observe the same, that any necessary preliminary procedure had been duly gone through, and that all the circumstances necessary to a contravention existed. In the case of the contravention of an order, such statement shall imply a statement that the order was duly made, confirmed, published, and generally made effectual according to the law applicable to the same, and was in force at the time and place in question; and, where the offence is created by more than one section of one or more statutes or orders, it shall only be necessary to specify the leading section or one of the leading sections:

(3) Any exception, exemption, proviso, excuse, or qualification, whether it does or does not accompany in the same section the description of the offence in the statute or order creating the offence, may be proved by the accused, but need not be specified or negatived in the complaint, and no proof in relation to such exception, exemption, proviso, excuse, or qualification shall be required on behalf of the prosecution:

(4) It shall be competent to include in one complaint both common law and statutory charges:

(5) Where an offence is alleged to be committed in any special capacity, as by the holder of a licence, master of a vessel, occupier of a house, or the like, the fact that an accused person possesses the qualification necessary to the commission of the offence shall, unless challenged by preliminary objection before his plea is recorded, be held as admitted:

(6) In any proceedings under the Merchant Shipping Acts it shall not be necessary to produce the official register of the ship referred to in such proceedings in order to prove the nationality of said ship, but the nationality of the ship as stated in the complaint shall in absence of evidence to the contrary be presumed:

(7) In offences inferring dishonest appropriation of property brought before a court whose power to deal with such offences is limited to cases in which the value of such property does not exceed ten pounds, it shall be assumed, and it shall not be necessary to state in the charge, that the value of said property does not exceed said sum.

Orders of court, warrants, &c. on complaint.

20. On any complaint under this Act being laid before a judge of the court in which the complaint is brought, such judge shall have power on the motion of the prosecutor—

(1) To pronounce an order of court assigning a diet for the disposal of the case to which the accused may be cited as after mentioned:

(2) To grant warrant to apprehend the accused where this appears to such judge expedient:

(3) To grant warrant to search the person, dwelling-house, and repositories of the accused and any place where he may be found for any documents, articles, or property likely to afford evidence of his guilt or of guilty participation in the premises, and to take possession thereof:

(4) To grant any other order of court or warrant or interim order of court or warrant which may be competent in the premises.

Citation.

21. This Act shall be a sufficient warrant for the citation of the accused and witnesses to any ordinary sitting of the court or to any special diet which may be fixed by the court, including any adjournments thereof. Such citation shall be in the forms contained in Schedule D. to this Act, and shall, in the case of the accused, proceed on an induciæ of at least forty-eight hours, unless in the special circumstances of any case the court fix a shorter induciæ. It shall be deemed a legal citation of such accused or witness if the citation be delivered to him personally or left for him at his dwelling-place or place of business with some person resident or employed therein, or, if he has no known dwelling-house or place of business, at any other place in which he may at the time be resident, or, in the case of the accused being a master of or seaman or person employed in any ship or vessel, in the hands of a person on board thereof and connected therewith, or, in the case of the accused being a company, association, or incorporation, at their ordinary place of business in the hands of a partner, director, secretary, or other official thereof, or such company, association, or incorporation may be cited in the same manner as if the proceedings were in the civil court. A body of trustees may be cited by serving a complaint on any one of their number resident in Scotland or on their known law agent there.

The provisions of this section as to the citation of witnesses shall apply to the citation of witnesses for precognition by the procurator fiscal or burgh prosecutor where the judge on the application of such procurator fiscal or burgh prosecutor shall deem it expedient to grant warrant to cite witnesses for precognition in regard to any offence competent for trial in the court of such judge, and whether or not any person has at the time of such application been charged with such offence.

Apprehension of witness.

22. Where a witness after being duly cited fails to appear at the diet fixed for his attendance and no just excuse is offered on his behalf, the court may issue a warrant for his apprehension; or the court, if satisfied by evidence on oath that a witness is not likely to attend to give evidence without being compelled so to do, may issue a warrant for the apprehension of such witness in the first instance.

Warrants of apprehension and search. Short forms.

23. Warrants of apprehension and search may be in accordance with the forms contained in Schedule D. to this Act, and all such warrants shall, where it is necessary for their execution, imply warrant to officers of law to break open all shut and lockfast places, and—

(1) A warrant of apprehension of an accused person in said form shall imply warrant to officers of law to search for and to apprehend the accused, and to bring him before the court issuing such warrant, or before any other court competent to deal with the case, to answer to the charge on which such warrant is granted, and, in the meantime, until he can be so brought, to detain him in a police station house, police cell, or other convenient place, and any person apprehended under such warrant or by virtue of the powers possessed at common law, or conferred by statute, shall wherever practicable be brought before a court competent to deal with such case either by way of trial or by way of remit to another court not later than in the course of the first lawful day after such person shall be taken into custody, such day not being a day set apart for a general fast or a public or local holiday. A warrant of apprehension or other warrant shall not be required for the purpose of bringing before the court an accused person who has been apprehended without a written warrant or who attends without apprehension in answer to any charge made against him:

(2) A warrant of apprehension of a witness in said form shall imply warrant to officers of law to search for and apprehend such witness, and to detain such witness in a police station house, police cell, or other convenient place, until the date fixed for the hearing of the cause, unless sufficient security be found to the amount fixed in such warrant for the appearance of such witness at all diets of court.

Adjournment for inquiry, &c.

24. The court, in order to allow time for inquiry, or for any other necessary cause, and without calling on the accused to plead to any charge against him, may from time to time continue the case for such reasonable time as may in the circumstances be necessary, not exceeding in all a period of seven days, or on special cause shown fourteen days, from the date of the apprehension of the accused, and may liberate him on bail or

commit him to prison, either without bail or with bail to an amount fixed by such court: Provided that no judge shall be entitled to allow bail in any case which he is not competent to try.

Service, &c. in Scotland and out of Scotland.

25. Any complaint, warrant, or other proceeding under this Act may without endorsation be served or executed at any place within Scotland by any officer of law, and such service or execution may be proved either by the oath in court of such officer or by production of his written execution. Service or execution out of Scotland shall be regulated by the Indictable Offences Act, 1848, the Indictable Offences Act Amendment Act, 1868, and the Summary Jurisdiction (Process) Act, 1881, and any warrant, order of court, or process under said Acts may be served or executed in Scotland by any officer of law. The Indictable Offences Act, 1848, and the Indictable Offences Amendment Act, 1868, shall, for the purposes of this Act, apply to all offences which may be tried by the court issuing any competent warrant, order of court, or other process.

11 & 12 Vict. c. 42. 31 & 32 Vict. c. 107. 44 & 45 Vict. c. 24.

Limitation of time for bringing proceedings in statutory offences.

26. All proceedings under this Act in respect of the contravention of any statute or order shall, unless the statute or order under which the prosecution is raised fix any other period, be commenced within six months after the contravention occurred, and in the case of a continuous contravention within six months of the last date of such contravention, and it shall be competent in such case in any prosecution to include the entire period during which the contravention has occurred. Proceedings shall be held as being commenced within the meaning of this section as of the date when a warrant to apprehend or to cite the accused is granted, provided that such warrant is executed without undue delay.

Public prosecutor may sue for penalties.

27. All penalties, for the recovery of which in Scotland no special provision has been made by statute or order, may be recovered by the public prosecutor in any court having jurisdiction. Where any court has power to take cognizance of offences the penalties attached to which are not defined, the punishment for such offences shall be regulated by that applicable to common law offences in such court.

Offences by companies, &c.

28. With regard to the prosecution of offences committed by a company, association, incorporation, or body of trustees, the following provisions shall, without prejudice to any other or wider powers conferred by statute, apply:—

(1) Proceedings may be taken against such company, association, incorporation, or body of trustees, in their corporate capacity, and in that event any penalty imposed shall be recovered by civil diligence in manner hereinafter provided; or

(2) Proceedings may be taken against an individual representative of such company, association, or incorporation, as follows:—

(*a*) In the case of an ordinary company or firm, any one of the partners thereof, or the manager or the person in charge or locally in charge of the affairs thereof, may be dealt with as if he was the person offending;

(*b*) In the case of an association, incorporation, or incorporated company, the managing director or the secretary, or other principal officer thereof, or the person in charge or locally in charge of the affairs thereof, may be dealt with as if he was the person offending;

(*c*) The offence shall be deemed to be the offence of such company, association, or incorporation, and a conviction thereof may be libelled as an aggravation of any subsequent offence of the same nature by the same company, association, or incorporation, although the individuals charged and convicted are different.

PROCEDURE AT TRIAL.

First diet, objections to complaint, &c.

29. Where the accused is present at the first calling of the case, the complaint or the substance thereof shall be read to him, and he shall thereupon be asked to plead in common form. He may then, prior to pleading, state objections to the competency or relevancy of the complaint or proceedings, and no such objections shall be allowed at any future diet of the case, unless with the leave of the court on cause shown. It shall not be competent to any person who shall appear to answer to any complaint, or to any law agent allowed to appear for the accused if absent, to plead want of due citation or informality in his citation or in the execution thereof.

Amendment of complaint.

30. It shall be competent at any time prior to the determination of the case, unless the court see just cause to the contrary, to amend the complaint by deletion, alteration, or addition, so as to cure any error or defect therein, or to meet any objections thereto, or to cure any discrepancy or variance between the complaint and the evidence, and any amendment so made shall be sufficiently authenticated by the initials of the clerk of court; provided that such amendment shall not change the character of the offence charged, and provided further that, if the court shall be of opinion that the accused may by such amendment be in any way prejudiced in his defence on the merits of the case, the court shall grant such remedy to the accused by adjournment or otherwise as to the court may seem just.

Plea of guilty.

31. Where the accused pleads guilty to the charge or to any part thereof, and such plea is accepted by the prosecutor, such plea shall be recorded and signed by the judge or clerk of court, and the court shall thereafter dispose of the case at the same or any adjourned diet. The plea and sentence may be combined, in which case one signature shall be sufficient to authenticate both.

Plea of not guilty.

32. Where the accused pleads not guilty to the charge or guilty to part only thereof, and the prosecutor shall not accept such partial plea, the following provisions shall apply :—

(1) The court may proceed to trial at once unless either party move for an adjournment and the court shall adjudge it expedient to grant the same ; or

(2) The court may adjourn the case for trial to as early a diet as is consistent with the just interests of both parties, in which case the prosecutor shall, if desired by the accused, furnish him with a copy of the complaint if he has not already got a copy :

(3) Where the accused is brought before the court by apprehension he shall be entitled to an adjournment of the case for not less than forty-eight hours, provided that the request for such adjournment is made before the prosecutor has commenced his proof, and the court shall inform the accused of his right to such adjournment; but the case may proceed to trial at once or on a shorter adjournment than forty-eight hours if the court considers this is necessary to secure the examination of witnesses who otherwise would not be available :

(4) Where the accused is in custody, he may be committed to prison either without bail or until he finds sufficient bail to appear at such adjourned diet and at all future diets of the case, and the amount of such bail shall be fixed in the minute of adjournment; or

(5) The court may in any case where it shall judge it expedient, and whether or not the accused is in custody, instead of fixing bail as aforesaid, appoint the accused to attend at such adjourned diet under a penalty, not exceeding ten pounds, in case he shall fail to appear :

(6) The court may from time to time, and at any stage of the case, on the motion of either party, or ex proprio motu, grant such adjournments as may be necessary for the proper conduct of the case :

(7) It shall not be necessary for the prosecutor to establish a charge or part of a charge to which the accused pleads guilty :

(8) The court may, in any case where it considers such a course expedient, permit any witness for the defence

to be examined prior to evidence for the prosecution having been led or concluded, but in any such case the accused shall be entitled to lead additional evidence after the case for the prosecution is closed.

Accused failing to appear.

33. Where the accused fails to appear at any diet of which he has received intimation, or to which he has been cited, the following provisions shall apply:—

(1) The court may adjourn the trial to another diet, and order the accused to attend at such diet, and appoint intimation thereof to be made to him, which intimation shall be sufficiently given by an officer of law, or by registered letter signed by the prosecutor and sent by post to the accused at his last known address, and the production in court of the written execution of such officer or of the post office receipt for such registered letter shall be sufficient evidence of such intimation having been duly given; where from any cause a diet for trial has to be continued from day to day it shall not be necessary to intimate such continuation to the accused:

(2) Where the accused is charged with any statutory offence involving the imposition of a pecuniary penalty only, in the first instance, or where the statute founded on or conferring jurisdiction authorises procedure in the absence of the accused, the court may, on the motion of the prosecutor and upon proof that the accused has been duly cited, or has received due intimation of the diet where such intimation has been ordered, proceed to hear and dispose of the case in the absence of the accused. Unless the statute founded on authorises conviction in default of appearance, proof of the complaint must be led to the satisfaction of the court. The court in any case to which this subsection applies may, if it shall judge it expedient, allow any law agent to appear and plead for and defend the accused, provided the court is satisfied that he has authority from the accused so to do, and may also allow a plea to be tendered for the accused by a person other than a law agent provided the plea is one of guilty, and the court is satisfied that such person has authority to tender such plea:

(3) The court may grant warrant to apprehend the accused:

(4) The court may, on the motion of the prosecutor, forfeit any bail deposited or found for the appearance of the accused, or, where the accused has been ordered to attend under a penalty, may declare such penalty to be forfeited, and such bail or penalty may, where necessary, be recovered as provided for in section fifty of this Act, and in addition to such forfeiture the court may grant warrant to apprehend the accused.

Previous convictions.

34. Where the accused has been previously convicted of any offence forming an aggravation of the offence with which he is charged, such previous conviction shall be set forth in the complaint, and—

(1) If a plea of guilty is tendered, the judge or clerk of court shall ask the accused if he admits the correctness of such conviction and of its application to him, and if such admission is made the plea shall be held to be a plea of guilty as libelled, and shall be recorded in manner aforesaid:

(2) If the accused pleads not guilty to the charge and is subsequently convicted thereof, the judge or the clerk of court shall, after conviction, ask the accused whether he admits the previous conviction or convictions libelled, and if such admission is made the fact shall be recorded:

(3) It shall not be necessary for the prosecutor to produce extracts of any conviction so admitted:

(4) Where the accused does not admit any conviction so libelled, the prosecutor, unless he withdraws such conviction, shall adduce evidence in proof thereof, either at the first diet or at any adjourned diet:

(5) A conviction, or an extract conviction of any offence committed in any part of the United Kingdom, bearing to be under the hand of the officer in use to give out such extract conviction, shall be received in evidence without being sworn to by witnesses. An official of any prison in which the accused may have been confined on such conviction shall be a competent and sufficient witness to prove the application thereof to the person accused, although he may not have been present in court at the trial to which such conviction relates. This provision shall be without prejudice to any other competent mode of proving a conviction and the application thereof to the accused. Where in any court a book of record is kept of the convictions in said court containing the like particulars as are inserted in an extract conviction, and where at the end of each day's proceedings the entries in such book are certified as correct by the judge or clerk of court, such entries shall, in any proceedings in such court, be accepted as evidence of such convictions:

(6) Where the accused is convicted of any offence and also of any aggravation by previous conviction, and is again accused of any offence in regard to which such conviction may be competently used as an aggravation, the production of the prior conviction, or an extract thereof, setting forth the particulars of the previous convictions therein libelled, shall be admissible and sufficient as evidence to prove against

the accused all the previous convictions and aggravations therein set forth:

(7) Previous convictions of an offence under any statute or order may be libelled as aggravations in any subsequent charge for the same kind of offence or any analogous offence, and a conviction in any part of the United Kingdom of any offence inferring dishonesty may be libelled as an aggravation of any offence inferring dishonest appropriation of property or attempt thereat, and a conviction of any offence inferring disorderly conduct or a breach of public order may be libelled as an aggravation of any other offence inferring disorderly conduct or a breach of public order:

(8) Nothing herein contained shall prevent evidence of previous convictions being led in causâ where such evidence is competent in support of a substantive charge.

Alibi.

35. If the accused intends to found on a plea of alibi, he shall be bound to give notice thereof to the prosecutor, with particulars as to time and place and of the witnesses by whom it is proposed to prove it, prior to the examination of the first witness for the prosecution, and the prosecutor, on such notice being given, and if he so desires, shall be entitled to an adjournment of the case.

Witnesses in certain events may be punished.

36. If any witness shall wilfully fail to attend after being duly cited, or unlawfully refuse to be sworn, or after the oath has been administered to him refuse to answer any question which the court may allow, or to produce documents in his possession when required by the court, or shall prevaricate in his evidence, he shall be deemed guilty of contempt of court and be liable to be summarily punished forthwith for such contempt by a penalty not exceeding three pounds or by imprisonment for any period not exceeding twenty days; and, where such punishment is summarily imposed, the clerk of court shall minute the act or acts constituting the contempt and the statements forming the prevarication, but without prejudice to the prosecutor proceeding by way of formal complaint for such contempt where such summary punishment, as above mentioned, is not imposed. The like penalty as is in this section mentioned shall be incurred by any witness who, after being duly cited by virtue of the provisions contained in section twenty-one of this Act, fails, without reasonable excuse, after receiving at least twenty-four hours' notice, to attend for precognition by a procurator fiscal or burgh prosecutor at the time and place mentioned in the citation served on him, or who refuses when so cited to give information within his knowledge in regard to any matter relative to the commission of the offence in regard to which such precognition is taken.

Administration of oath to same witness in cases at same diet.

37. Where a witness is examined upon oath in any case in which the accused is charged with an offence under any statute, and where the same witness is examined at the same diet in subsequent cases against the same or different persons accused of offences under the same statute, it shall not be necessary for the judge to administer the oath to the said witness in the subsequent cases, but it shall be sufficient that the judge shall remind him in each case that he is still on oath.

Official documents, &c. as evidence.

38.—(1) Any letter, minute, or other official document issuing from the office or in the custody of any of the departments of state or government in the United Kingdom the production of which in evidence is required in any proceedings under this Act, and which according to the rules and regulations applicable to such departments may be competently produced, shall, when produced, be received as primâ facie evidence of the matters contained in such letter, minute, or other official document without being produced or sworn to by any witness, and any copy thereof bearing to be certified by any person having authority to certify the same shall be held as equivalent to the original, and no proof of the signature of the person certifying such copy, or of his authority to certify the same, shall be necessary.

(2) Any order by any of the departments of state or government or any local authority or public body made under powers conferred by any statute, or a print or copy of such order, shall when produced in any proceedings under this Act be received in evidence of the due making, confirmation, and existence of such order without being sworn to by any witness and without any further or other proof, but without prejudice to any right competent to the accused to challenge any such order as being ultra vires of the authority making it or on any other competent ground, and where any such order is referred to in the complaint it shall not be necessary to enter it in the record as a documentary production.

(3) The provisions contained in this section shall be deemed to be in addition to, and not in derogation of, any powers of proving documents conferred by statute, or existing at common law.

Admissions by parties.

39. In any proceedings under this Act, it shall not be necessary for either party to lead proof of any fact which is admitted by the opposite party, or to prove any documents the terms and application of which are not in dispute, and copies of any documents may, by agreement of the parties, be accepted as equivalent to the originals, provided that any such admissions shall only be accepted from the accused where he has legal assistance in his defence. Any such admissions may be made by lodging with the clerk of court a minute signed by the person making the admission or by his counsel or law agent, and the

facts and documents so admitted shall be accepted as if they had been duly proved.

Judges equally divided in opinion.

40. In the trial of any case in a court consisting of more than one judge, if the judges are equally divided in opinion as to the guilt of the accused, the accused shall be found not guilty of the charge or part thereof on which such division of opinion exists.

Record.

41. Proceedings under this Act shall be conducted summarily, vivâ voce, and, except where otherwise provided, no record need be kept of the proceedings other than the complaint, the plea, a note of any documentary evidence produced, and the conviction and sentence or other finding of the court; but, in the event of any objections being stated to the competency or relevancy of the complaint or proceedings, or to the competency or admissibility of evidence, such objections shall, if either party desires it, be noted in the record.

Proceedings written or printed.

42. All proceedings under this Act may be either in writing or printed, or may be partly written and partly printed, and all forms bearing reference to any antecedent form may be either on the same sheet of paper therewith or on a separate sheet attached to it.

CONVICTION AND SENTENCE.

Power to mitigate penalties.

43. In all proceedings under this Act in respect of the contravention of any statute or order, where said contravention involves any of the following punishments, viz., imprisonment with or without hard labour, the imposition of any pecuniary penalty, the finding of caution for good behaviour or otherwise, either singly or in combination with imprisonment or fine, the court shall have in addition to the powers already conferred by Act of Parliament the following powers, viz.:—

(1) To reduce the period of imprisonment:

(2) To impose imprisonment without hard labour:

(3) To substitute a fine not exceeding twenty-five pounds for imprisonment, either with or without caution for good behaviour, not exceeding the amount and the period competent under this Act:

(4) To substitute the finding of caution as provided for in this Act for a fine or imprisonment:

(5) To reduce the amount of any pecuniary penalty:

(6) To dispense with the finding of caution:

Provided that, where any Act carries into effect a treaty, convention, or agreement with a foreign state, and such treaty, convention, or agreement stipulates for a fine of minimum amount, the court shall not be entitled by virtue of this section to reduce the

amount of such fine below said minimum, and that this section shall not apply to proceedings taken under any Act relating to any of His Majesty's regular or auxiliary forces.

Forfeiture of implements. 7 Edw. 7. c. 17

44. Where the accused is convicted of any offence or dealt with under the Probation of Offenders Act, 1907, the court shall have power to order the forfeiture of any instruments or other articles found in his possession used or calculated to be of use in the commission of the offence, and also to order said instruments or other articles to be destroyed or otherwise disposed of.

Time for payment may be allowed.

45. The court may allow time for the payment of any penalty, or for the finding of caution.

Admonition competent.

46. The court may in its discretion, if such course appears to meet the justice of the case, dismiss with an admonition any person found guilty of any offence.

Imprisonment in default of payment of any penalty.

47. Where the accused is found liable in any penalty the court may, whether the statute or order imposing such penalty does or does not provide any method for the recovery thereof, adjudge the accused to be imprisoned in the event of failure to pay such penalty, either immediately or within such period as the court may fix; but such imprisonment shall not exceed the respective periods provided for in this Act.

Periods of imprisonment for non-payment of fines, &c.

48. The periods of imprisonment for non-payment of any sum imposed by any court of summary criminal jurisdiction as a penalty, or for failure to find caution, shall be regulated thus:—

When the amount adjudged to be paid or for which caution is to be found does not exceed	5*s.*	The period of imprisonment shall not exceed 5 days.
Exceeds—		
5*s.*, but does not exceed	1*l.*	10 days.
1*l.*, " " "	3*l.*	20 "
3*l.*, " " "	5*l.*	30 "
5*l.*, " " "	20*l.*	60 "
20*l.*		3 months.

Where the court in imposing any penalty or sum for which caution is to be found does not specify the period of imprisonment in default of payment of such penalty, or on failure to find such caution, such period shall be the maximum period applicable to the non-payment of the amount imposed. If in any sentence or extract sentence the period of imprisonment inserted in default of payment of any penalty or of caution being found is in excess of that competent under this Act, such period of imprisonment shall be held as being reduced to the maximum period under this Act applicable to such default, and the judge who pronounced such sentence shall have power to order such sentence and extract to be corrected accordingly. The periods

of imprisonment in this section shall apply to the non-payment of any sum imposed as aforesaid by a court of summary jurisdiction, notwithstanding that the statute or order imposing the penalty fixes any other or different period of imprisonment. The provisions of this section shall be without prejudice to the operation of the Fine or Imprisonment (Scotland and Ireland) Act, 1899.

62 & 63 Vict. c. 11.

Recovery by civil diligence

49. Where any penalty falls to be recovered by civil diligence in terms of this Act or in any case in which the court may think it expedient to order a penalty to be recovered by civil diligence, there shall be added to the finding of the court imposing such penalty the words "and decerns and ordains "instant execution by arrestment and also execution to pass "hereon by poinding and sale, after a charge of ten free days," and such diligence, whatever the amount of the penalty imposed, may be executed in the same manner as if the proceedings were on an extract decree of the sheriff's small debt court; but where proceedings by civil diligence under this section are adopted imprisonment shall not thereafter be competent.

Finding, forfeiture, and recovery of caution, &c.

50. With regard to the finding, forfeiture, and recovery of caution, the following provisions shall apply:—

(1) Caution may be found by consignation of the amount thereof with the clerk of court, or by bond of caution. Such bond may be signed by the mark of the cautioner:

(2) Where caution becomes liable to forfeiture, such forfeiture may be granted by the court on the motion of the prosecutor, and, where necessary, warrant granted for the recovery thereof:

(3) The court may order any cautioner to be imprisoned in the event of his failing to pay the amount due under his bond within six days after he has received a charge to that effect, and until payment is made, such imprisonment being for a fixed period and regulated by section forty-eight of this Act; or the court, if it shall adjudge it expedient, may, on the application of the cautioner, grant time for payment, or may, instead of imprisonment, order recovery of such caution by civil diligence as provided for in section forty-nine of this Act:

(4) Bail may be found and forfeited, and the like procedure be competent in default of payment thereof as is hereinbefore in this section provided in regard to caution; and any bail found shall be held to continue in force until the case is finally disposed of, or until the expiry of six months from the date when such bail is found, notwithstanding that the diets may have been from time to time continued or deserted pro loco et tempore, or not called: Provided that the cautioner shall always be entitled to withdraw his bond of caution at any diet of the court at which the accused appears personally:

(5) Where, instead of being liberated on bail, the accused is liberated under a penalty in the event of his failure to attend at any future diet, and such penalty is declared to be forfeited, the amount thereof may be added to any other penalty subsequently imposed on him, or the court may pronounce a separate finding in respect of such penalty and may grant warrant for the imprisonment of the accused in the event of non-payment thereof.

Penalties to whom paid.

51. All penalties and expenses imposed under this Act shall be paid to the clerk of court, to be accounted for by him to the person entitled thereto, and it shall not be necessary to specify in any sentence the person entitled to payment of any such penalty or expenses, unless where it is necessary to provide for the division of the penalty.

Expenses.

52. Where the court awards expenses, the finding regarding such expenses shall be stated in the sentence or other judgment disposing of the case. Such expenses shall, where awarded to the prosecutor, be regulated by and restricted to the fees set forth in Schedule G. to this Act, and shall be recovered in the same manner as any penalty may be recovered. The court may award expenses without imposing any penalty. Expenses may be awarded to or against any private prosecutor, but shall not be awarded to or against any person prosecuting in the public interest, unless the statute or order under which proceedings may be taken directly or by implication authorises such award, but the court may direct the expenses incurred by any prosecutor, public or private, to be met in whole or in part out of any penalty imposed. Where expenses are awarded against the accused the decree shall be subject to the following limitations:—

(*a*) Where the penalty or penalties imposed shall not exceed twelve pounds the total expenses decerned for shall not exceed three pounds:

(*b*) Where the penalty or penalties imposed shall not exceed twelve pounds but it appears to the court that the reasonable expenses of the complainer's witnesses, together with the other expenses, exceed the sums herein-before allowed, the court may direct the expenses of such witnesses to be paid in whole or in part out of the penalty.

Any expenses awarded against a prosecutor shall be recoverable by civil diligence as provided in this Act.

Forms of conviction and sentence.

53. The finding and sentence and orders of court, both as regards offences at common law and under any statute or order, shall be minuted in the forms contained in Schedule E. to this Act, which shall be sufficient warrant for all execution thereon and for the clerk of court to issue extracts containing such executive clauses as may be necessary for implement thereof; and, when imprisonment forms part of any sentence or other

judgment, warrant for the apprehension and interim detention of the accused pending his being committed to prison shall, where necessary, be implied. Where a penalty is paid at the bar it shall not be necessary for the court to refer to the period of imprisonment applicable to the non-payment thereof. Where several charges at common law or under any statute or order are embraced in one complaint, a cumulo penalty may be imposed in respect of all or any of such charges of which the accused is convicted. A sentence following on a conviction may be framed so as to take effect on the expiry of any previous sentence which at the date of such conviction the accused is undergoing.

Sentence need not be written out in presence of accused, and may be modified before implement.

54. Every sentence, unless where otherwise provided for, shall be pronounced in open court in presence of the accused, but it shall not be necessary that such sentence be written out or signed in presence of the accused. It shall be competent at any time before imprisonment has followed on a sentence for the court to require the attendance of the accused and to alter or modify said sentence; but no higher sentence than that originally pronounced shall be competent. The signature of the judge or clerk of court to any sentence shall be sufficient also to authenticate the findings on which such sentence proceeds.

Correction of errors.

55. It shall be competent to correct any error in the minutes of procedure or in the extract of any sentence or order at any time prior to execution thereon, and such correction shall be authenticated by the initials of the clerk of court.

Extract.

56. Where imprisonment is authorised an extract of the finding and sentence in the form contained in Schedule E. to this Act shall be a sufficient warrant for the apprehension and commitment of the accused, and no such extract shall be void or liable to be set aside on account of any error or defect in point of form.

As to signing convictions, warrants, &c.

57. In any proceedings in a court consisting of more than one judge the signature of one judge shall be sufficient in all warrants or other proceedings prior or subsequent to conviction, although the presence and signature of two or more judges may be necessary to conviction of the offence in respect of which such warrants are granted or procedure takes place, and it shall not be necessary that the judge so signing shall be one of the judges trying or dealing with the case otherwise.

Conviction of part of a charge only.

58. A conviction of a part or parts only of the charge or charges libelled shall imply dismissal of the rest of the complaint.

Actions of damages against judges, &c.

59. No judge, clerk of court, or prosecutor in the public interest shall be liable to pay or be found liable by any court in damages for or in respect of any proceeding taken, act done, or judgment, decree, or sentence pronounced under this Act, unless

the person suing has suffered imprisonment in consequence thereof and such proceeding, act, judgment, decree, or sentence has been quashed, and unless the person suing shall specifically aver and prove that such proceeding, act, judgment, decree, or sentence was taken, done, or pronounced maliciously and without probable cause; provided that no such liability shall be incurred or found where such judge, clerk of court, or prosecutor shall establish that the person suing was guilty of the offence in respect whereof he had been convicted, or on account of which he had been apprehended or had otherwise suffered, and that he had undergone no greater punishment than was assigned by law to such offence; and every such action shall, unless a shorter period is fixed by the special statute under which proceedings may be taken, be commenced within two months after the proceeding, act, judgment, decree, or sentence founded on. In this section "judge" shall not include "sheriff," and the provisions of this section shall be without prejudice to the privileges and immunities at present possessed by sheriffs.

REVIEW.

Appeal by stated case.

60. On the final determination of any cause, either party to the cause may, notwithstanding any provision in any statute excluding review, make application to the court to state a case for the opinion of the High Court, and on such application being made the court, subject to the conditions herein-after mentioned, shall be bound to state a case for such opinion, and it shall thereupon be competent to appeal to and to bring under the review of the High Court by stated case—

(1) The relevancy of the complaint;
(2) Any irregularity in procedure;
(3) Any alleged error of the court in point of law; and
(4) Generally any matter which may at present be competently reviewed by suspension, advocation, or appeal under the Heritable Jurisdictions (Scotland) Act, 1746, or otherwise. 20 Geo. 2. c. 43.

How and when appeal to be taken.

61. Application to have a case stated shall be made at the time when judgment is given, or at any time within five days thereafter, and such application shall be signed by the appellant or his agent, and either written on the complaint or lodged with the clerk of court, and where the latter course is adopted the clerk of court shall enter in the proceedings the date when said application is lodged, and shall thereupon intimate the appeal to the respondent.

Court to fix caution, &c.

62. Immediately on such appeal being taken the court shall fix a sum to be consigned by the appellant, or for which caution is to be found, to meet any penalty and expenses imposed and the expenses of the appeal, and the appellant shall not be entitled to have a case stated unless within five days after the date of his

appeal he has made consignation, or found such caution, to the satisfaction of the clerk of court and has also paid the clerk his fees for preparing the case: Provided always that the court shall have power in any case where the court deems it expedient so to do to dispense with consignation or the finding of caution, and that a person prosecuting in the public interest shall not be bound to make consignation or to find caution.

Procedure if appellant in custody.

63. If the appellant is in custody the court may, on consignation being made or caution being found as mentioned in the immediately preceding section, grant interim liberation on such conditions as to caution or otherwise as the court may fix, and may grant a sist of execution, or may dispense with further consignation or caution, or may make any other interim order which the justice of the case may require, or may refuse to grant interim liberation. An application for interim liberation shall be disposed of by the court within twenty-four hours after such application has been made. The appellant, if dissatisfied with the amount of caution fixed, or on refusal of liberation, may, within twenty-four hours after the judgment of the court, appeal there-against by a note of appeal written on the complaint and signed by himself or his agent, and the complaint and proceedings shall thereupon be transmitted to the clerk of justiciary, and the High Court or any judge thereof, either in court or in chambers, shall, after hearing parties, have power to review the decision of the inferior court and to grant interim liberation on such conditions as such court or judge may think fit, or to refuse interim liberation. In the event of the appellant obtaining interim liberation and thereafter not proceeding with his appeal, the inferior court shall have power to grant warrant to apprehend and imprison him for such period of his sentence as at the date of his liberation remained unexpired, said period to run from the date of his imprisonment under such warrant.

Draft case to be prepared.

64. The clerk of court shall, within ten days from the application for a stated case, or, when consignation or caution is ordered, within five days from the date when consignation has been made or caution found as aforesaid, prepare a draft stated case, and shall within said period send said draft to the appellant or his agent, and a duplicate thereof to the respondent or his agent, and such case shall be in the form contained in Schedule H. to this Act, and shall set forth the particulars of any matters competent for review which the appellant desires to bring under the review of the High Court, and of the facts, if any, proved in the case, and any point of law decided, and the grounds of the decision.

Adjustment of case.

65. If the parties or their agents fail within one month after the draft case has been sent to them to agree on the terms of the case, the terms shall be settled by the judge against whose judgment the appeal is taken. In any event the terms of the case shall be subject to the approval of said judge.

Transmission of case.

66. On the case being adjusted, and signed by the judge against whose judgment the appeal is taken, the clerk of court shall send it to the appellant and shall also transmit the complaint, productions, and other proceedings in the cause, including the notes of evidence, if any, to the clerk of justiciary.

Notice of appeal and lodging case.

67. The appellant shall within five days after receiving the case send a copy of the case to the respondent, and shall within the same time transmit the case by post to, or cause it to be lodged with, the clerk of justiciary, together with a certificate under the hand of himself or his law agent of intimation as herein required having been made to the respondent.

Abandonment of appeal.

68. The appellant may at any time prior to lodging the case with the clerk of justiciary abandon his appeal by minute signed by himself or his agent, written on the complaint, or lodged with the clerk of court, and intimated to the respondent, but such abandonment shall be without prejudice to any other mode of appeal, review, advocation, or suspension competent.

On transmission of the case other modes of appeal held abandoned.

69. On the case being lodged with the clerk of justiciary, the appellant shall be held to have abandoned any other mode of appeal which might otherwise have been open to him.

Record of steps of procedure in appeal.

70. On an appeal being taken the clerk of court shall record on the complaint the different steps of procedure in the appeal, and such record shall be held as evidence of the dates on which the various steps of procedure took place. In appeals the forms of procedure shall be in accordance with the forms contained in Schedule H.

How days computed.

71. In computing the period of days in appeals under this Act, Sundays and public holidays shall not be included.

Hearing of appeal.

72. The case shall be heard by the High Court on such date as may be fixed by that court, and the High Court shall have power to affirm, reverse, or amend the determination of the inferior court, or to impose a fine instead of imprisonment where imprisonment has been awarded, or to reduce the period of imprisonment, or to reduce any fine imposed by the inferior court, or to remit the case back to the inferior court to be amended, and thereafter, on the case being amended and returned, to deliver judgment thereon, or to remit the case to the inferior court with their opinion thereon, and, where an appeal against an acquittal is sustained, the High Court may either convict and sentence the accused or may remit the case to the inferior court with instructions to convict and sentence the accused, who shall be bound to attend any diet fixed by such court for this purpose; and the High Court shall have power to award such expenses both in the High and inferior courts as they may think fit. The High Court may remit to any fit person to inquire and report in regard to the facts and circumstances of any cause under

appeal, and on considering such report may pronounce judgment. Where the appellant has been granted interim liberation, whether his appeal is under this Act or otherwise, he shall appear personally in court on the day or days fixed for the hearing of his appeal, failing which, unless the court shall on cause shown permit the appeal to be heard, he shall be held to have abandoned the same, and, in the event of said appeal being dismissed or refused in whole or in part, the High Court shall have power to grant warrant to apprehend and imprison such person for any term, to run from the date of his imprisonment, not longer than the period which at the date of his liberation remained unexpired of the term of imprisonment specified in the sentence brought under review.

Prosecutor may consent to conviction being set aside.

73. Where an appeal has been taken in terms of this Act or by suspension or otherwise, and the prosecutor, on said appeal being intimated to him, is not prepared to maintain the judgment appealed against, he may by a minute signed by him and written on the complaint or lodged with the clerk of court consent to the conviction and sentence being set aside, either in whole or in part, and setting forth the grounds on which he is of opinion that the judgment cannot be maintained, and shall send a copy of said minute to the appellant, and the clerk of court shall thereupon ascertain from the appellant or his agent whether he desires to be heard in the High Court before the appeal is disposed of, and shall note on the record whether or not the appellant desires to be heard, and shall thereafter transmit the complaint and relative proceedings to the clerk of justiciary, who shall lay them before any judge of said court, either in court or in chambers, and such judge, after hearing parties if they desire to be heard, or without hearing parties, may set aside the conviction either in whole or in part and may award expenses to the appellant not exceeding three pounds three shillings, or such judge may refuse to set aside the conviction, in which case the proceedings shall be returned to the clerk of the inferior court, and the appellant shall then be entitled to proceed with his appeal in the same way as if said appeal had been marked on the date when the complaint and proceedings are returned to the clerk of the inferior court. Where proceedings are taken under this section the preparation of the draft stated case shall be delayed pending the decision of the High Court.

High Court may make rules.

74. The High Court may from time to time by Act of Adjournal regulate the procedure to be adopted in appeals, and fix the fees to be paid both in the High and the inferior courts in connection with such appeals. Until so regulated the fees payable in the High Court shall be those at the commencement of this Act exigible in processes of review, and the fees payable in the inferior court for a stated case shall be those set forth in Schedule G. to this Act. Nothing in this section shall affect

the regulations enacted by the Courts of Law Fees (Scotland) Act, 1895. 58 Vict. c. 14.

Convictions, &c., not to be quashed on certain grounds.

75. No conviction, sentence, judgment, order of court, or other proceeding whatsoever under this Act shall be quashed for want of form, or, where the accused was represented by a law agent, shall be suspended or set aside in respect of any objections to the relevancy of the complaint, or to the want of specification therein, or to the competency or admission or rejection of evidence at the trial in the inferior court, unless such objections shall have been timeously stated at such trial by the law agent of the accused; and subject to the provisions contained in sections sixty and seventy-two hereof no conviction, sentence, judgment, order of court, or other proceeding whatsoever shall in any event be quashed unless on the ground of incompetency, or corruption, or malice, or oppression, or unless the High Court shall be of opinion that the accused has been misled as to the true nature of the charge against him or been prejudiced in his defence on the merits, and that a miscarriage of justice has resulted thereby: Provided always that the High Court may amend any conviction, sentence, judgment, order of court, or other proceeding, or may pronounce such other sentence, judgment, or order as they shall judge expedient.

Other modes of appeal reserved.

76. The provisions regulating appeals shall, subject to the provisions of this Act, be without prejudice to any other mode of appeal competent. Where it is competent to appeal against a sentence of imprisonment to the High Court, or any circuit court thereof, under the Heritable Jurisdictions (Scotland) Act, 1746, or under any Act amending that Act, or applying or incorporating the provisions or any of the provisions of that Act with regard to appeals, such appeal shall, if otherwise well taken, be held to be timeously made if lodged with the clerk of the court in which the sentence appealed against was pronounced and intimated to the respondent at any time during the appellant's imprisonment under the sentence appealed against, or within ten days from the date of the appellant's liberation from imprisonment under said sentence: Provided that this section shall not apply to any appeal against a sentence of imprisonment, unless the imprisonment under such sentence commenced within ten days after the same was pronounced. Any officer of law may serve any bill of suspension or other writs relating to appeals. 20 Geo. 2. c. 43.

AMENDMENT OF CRIMINAL PROCEDURE (SCOTLAND) ACT, 1887.

Amendment of Criminal Procedure (Scotland) Act, 1887. 50 & 51 Vict. c. 43.

77. The Criminal Procedure (Scotland) Act, 1887, is hereby amended as follows:—

(1) Where the accused is brought before the sheriff for examination on any charge and he or his agent intimates that he does not desire to emit a declaration

in regard to such charge, it shall be unnecessary to take a declaration, and the accused may be committed for further examination or until liberated in due course of law without a declaration being taken, the fact of his not desiring to emit a declaration being recorded in the warrant of commitment, but without prejudice to the accused subsequently emitting a declaration should he intimate to the prosecutor his desire to do so. An accused may be indicted in the name under which he is committed until liberated in due course of law:

(2) Where there are charges against the accused in different counties he may be brought before the sheriff of any one of such counties at the instance of the Procurator Fiscal of such county for examination on all or any of such charges, and may be dealt with in every respect as if such charges had arisen in the county where he is examined, but without prejudice to the power of the Lord Advocate under section twenty-two of the Criminal Procedure (Scotland) Act, 1887, to determine the court before which the accused shall be tried on such charges:

(3) Where the accused is convicted on indictment in the sheriff court of any crime and an extract of that conviction is subsequently required in evidence, such extract shall be issued by the clerk of the court having the custody of the record copy of the indictment although the plea of the accused may have been taken and the sentence on him pronounced in another court:

(4) Sections ten, thirty, subsection (7) of section thirty-four, and sections forty-three, forty-four, forty-five, forty-six, forty-seven, and forty-eight of this Act shall apply to procedure under indictment as well as to summary procedure, the word "indictment" being substituted for the word "complaint" where that word occurs in any of said sections, and subsections (1), (2), and (3) hereof shall apply to procedure under indictment, without prejudice to the accused being tried summarily by the sheriff for any offence in respect of which he has been committed until liberated in due course of law.

SCHEDULES.

SCHEDULE A.

Section 3.

Session and Chapter.	Title of Act.	Extent of Repeal.
9 Geo. 4. c. 29	The Circuit Courts (Scotland) Act, 1828.	Sections 18, 19, and 20.
11 Geo. 4. and 1 Will. 4. c. 37.	The Criminal Law (Scotland) Act, 1830.	Sections 4 and 5.
20 & 21 Vict. c. 72.	The Police (Scotland) Act, 1857.	Section 13.
25 & 26 Vict. c. cciii.	The Aberdeen Police and Waterworks Act, 1862.	Sections 487, 488, 491, 492, 493. Section 494 from the beginning of the section to "competent on such bond." Sections 496, 497, 499, 500, 502, 503, 504, 505, 508, 515, 516, 517, 519.
27 & 28 Vict. c. 53.	The Summary Procedure Act, 1864.	The whole Act.
29 & 30 Vict. c. cclxxiii.	The Glasgow Police Act, 1866.	Section 88 from "to execute any warrant" to "Scotland, and also," and from "they may cite" to "connected therewith." Sections 100, 107, 109, 110, 112, 113, 114, 117, 118, 119, 120, 121, 122, 126, 127, 128, 130, 131, 132, 133, 150, 152, 220.
38 & 39 Vict. c. 62.	The Summary Prosecutions Appeals (Scotland) Act, 1875.	The whole Act.
40 & 41 Vict. c. cxciii.	The Greenock Police Act, 1877.	Sections 136, 243, 244, and 257.
42 & 43 Vict. c. cxxxii.	The Edinburgh Municipal and Police Act, 1879.	Section 324. Section 325 from "but (with the exception" to end of section. Sections 326, 329, 330, 331, 332, 333, 335, 336, 338, 339, 340, 342, 346. Section 349 from beginning of section to "carried into full execution." Section 350, from beginning of section to "competent on the bond." Sections 351, 356, 357.
44 & 45 Vict. c. 33.	The Summary Jurisdiction (Scotland) Act, 1881.	The whole Act.

Session and Chapter.	Title of Act.	Extent of Repeal.
45 & 46 Vict. c. clxi.	The Edinburgh Municipal and Police Extension Act, 1882.	Subsection (13) of section 41.
50 & 51 Vict. c. 35.	The Criminal Procedure (Scotland) Act, 1887.	Section 71.
55 & 56 Vict. c. 55.	The Burgh Police (Scotland) Act, 1892.	Sections 457, 459, 463, 464, 466, 471, 472 to 483 inclusive, 485 to 490 inclusive. Section 491 from the beginning of the section to "competent on the bond." Sections 492, 493, 495, 496, 501, 504, 505, 506, 510, 513, 516. Schedule VII.
55 & 56 Vict. c. 145.	The Glasgow Police (Further Powers) Act, 1892.	Sections 26, 32, 38.
58 & 59 Vict. c. cxliii.	The Glasgow Corporation and Police Act, 1895.	Section 39.

SCHEDULE B.

Section 5.

SECTIONS OF CRIMINAL PROCEDURE (SCOTLAND) ACT, 1887, APPLIED TO SUMMARY PROCEDURE.

* * * * * *

Indictments. Naming of accused.

IV. A person accused may be named and designed in an indictment according to the existing practice, or he may be named by the name given by him and designed as of the place given by him as his residence when he is examined on declaration, and it shall not be necessary to set forth any other name or names by which he may be known, or any other address or designation.

Nomen juris unnecessary.

V. It shall not be necessary in any indictment to specify by any nomen juris the crime which is charged, but it shall be sufficient that the indictment sets forth facts relevant and sufficient to constitute an indictable crime.

Case of two or more persons charged.

VI. When in any indictment two or more persons are charged together with committing a crime, it shall not be necessary to allege that "both and each or one or other," or that "all and each or one or more" of them committed the crime, or did or failed to do any particular act, but such alternatives shall be implied in all such indictments.

"Guilty, actor or art and part."

VII. It shall not be necessary to state that a person accused is "guilty, actor or art and part," in any indictment according to the existing practice, but such charge shall be implied in all indictments.

Qualifying words to be implied.

VIII. It shall not be necessary in any indictment to allege that any act of commission or omission therein charged was done or omitted to be done "wilfully" or "maliciously," or "wickedly and feloniously," or "falsely and fraudulently," or "knowingly," or "culpably and recklessly,"

or "negligently," or in "breach of duty," or to use such words as "knowing the same to be forged," or "having good reason to know," or "well knowing the same to have been stolen," or to use any similar words or expressions qualifying any act charged, but such qualifying allegation shall be implied in every case in which according to the existing law and practice its insertion would be necessary in order to make the indictment relevant.

Quotation of statutes unnecessary.

IX. It shall not be necessary in an indictment for a crime punishable under any Act of Parliament to quote the Act of Parliament or any part of it, but it shall be sufficient to allege that the crime was committed contrary to such Act of Parliament, and to refer to the Act and any section of the Act founded on without setting forth the enactment in words at length.

Latitude as to time and place.

X. The latitude now in use to be taken in stating time in indictments at the instance of Her Majesty's Advocate shall be implied in all statements of time where an exact time is not of the essence of the charge, and the latitude now in use to be taken in stating any place in such indictments by adding to the word "at," or to the word "in," the words "or near," or the words "or in the near neighbourhood thereof," or similar words, shall be implied in all statements of place where the actual place is not of the essence of the charge, and where the circumstances of the offence charged make it necessary to take an exceptional latitude in regard to time or place it shall not be necessary to set forth such circumstances in the indictment, or to set forth that the particular time or the particular place is to the prosecutor unknown; provided always that where exceptional latitude is taken, the court shall, if satisfied that such exceptional latitude was not reasonable in the circumstances of the case, give such remedy to the person accused by adjournment of the trial or otherwise as shall seem just.

Latitude as to quantities, persons, things or modes.

XI. The latitude in use to be taken in indictments in describing quantities by the words "or thereby," or the words "or part thereof," or the words "or some other quantity to the prosecutor unknown," or similar words, shall be implied in all statements of quantities, and the latitude in use to be taken in stating details connected with the perpetration of any act regarding persons, things, or modes by inserting general alternative statements followed by the words "to the prosecutor unknown," or similar words, shall be implied in all cases where such statements are in use to be made according to the existing practice.

Description of buildings, goods, money, or other property.

XII. Where in an indictment, whether raised on Act of Parliament or at common law, buildings, goods, money, or property of any other description are mentioned, it shall not be necessary to allege the property or possession thereof, to be in any person, official, corporation, or company, or that the same were not the property of the accused, and the allegation that the same were not the property of the accused shall be implied in all cases where it is essential to the criminality of the charge.

Description of persons, goods &c.

XIII. Where in an indictment or any list or inventory relative thereto any person is referred to, it shall be sufficient to describe him by his name and ordinary address, and it shall not be necessary to describe him as "now or lately" residing at such address, but such words shall be implied, and where goods, articles, or things require to be described, it shall be sufficient to describe them in general terms without specifying the materials of which they are made, or any particulars which distinguish them from other goods, articles, or things of a similar kind except in cases in which such particulars are essential to the constitution of the crime charged.

"Money" to include coin, bank notes, and post office orders.

XIV. The word money when used in an indictment shall include all current coin of the realm, post office orders and postal orders, and bank or banker's notes, and it shall not be necessary to specify in any statement in an indictment relating to a sum of money whether such sum consisted of gold, silver, or other coin, post office orders or postal orders, or bank or banker's notes, or any of them, but it shall be sufficient to state the sum as consisting of money.

Setting forth documents unnecessary.

XV. Where in an indictment any document requires to be referred to, it shall not be necessary to set forth the document or any part of it in such indictment, but it shall be sufficient to refer to such document by a general description and where it is to be produced by the number given to it in the list of productions for the prosecution.

* * * * * *

Reset.

LVIII. Criminal resetting of property shall not be limited to the receiving of property taken by theft or robbery, but shall extend to the receiving of property appropriated by breach of trust and embezzlement, and by falsehood, fraud, and wilful imposition, and under any indictment charging the resetting of property dishonestly appropriated by any of these means, it shall not be necessary to set forth any details of the crime by which the dishonest appropriation was accomplished, but it shall be sufficient to set forth that the person accused received such property, it having been dishonestly appropriated by theft or robbery, or by breach of trust and embezzlement, or by falsehood, fraud, and wilful imposition, as the case may be.

Robbery, &c. to include reset, and theft to include breach of trust, &c.

LIX. Under an indictment for robbery or for theft, or for breach of trust and embezzlement, or for falsehood, fraud, and wilful imposition, a person accused may be convicted of reset; under an indictment for robbery or for breach of trust and embezzlement, or for falsehood, fraud, and wilful imposition, a person accused may be convicted of theft; under an indictment for theft, a person accused may be convicted of breach of trust and embezzlement, or of falsehood, fraud, and wilful imposition, or may be convicted of theft, although the circumstances proved may in law amount to robbery.

Procedure where more than one crime charged.

LX. Where in an indictment two or more crimes or acts of crime are charged cumulatively, it shall be lawful to convict of any one or more of them, and any part of what is charged in an indictment, constituting in itself an indictable crime, shall be deemed separable to the effect of making it lawful to convict of such crime, and where any crime is charged as having been committed with a particular intent or with particular circumstances of aggravation, it shall be lawful to convict of the crime without such intent or aggravation.

Attempt at crime.

LXI. Attempt to commit any indictable crime shall itself be an indictable crime, and under an indictment which charges a completed crime, the person accused may be lawfully convicted of an attempt to commit such crime; and under an indictment charging an attempt, the person accused may be convicted of such attempt although the evidence be sufficient to prove the completion of the crime said to have been attempted; and under an indictment which charges a crime which imports personal injury inflicted by the person accused, resulting in death or serious injury to the person, the person accused may be lawfully convicted of the assault or other injurious act, and may also be lawfully convicted of the aggravation that such assault or other injurious act was committed with intent to commit such crime.

Statutory offences which are offences at common law.

LXII. Where any act set forth in an indictment as contrary to any Act of Parliament is also criminal at common law, or where the facts proved under such an indictment do not amount to a contravention of the statute, but do amount to a crime at common law, it shall be lawful to convict of the common law crime.

Previous convictions of dishonesty.

LXIII. Extracts of previous convictions obtained in any part of the United Kingdom of robbery, theft, stouthrief, reset, forgery and uttering forged documents, falsehood, fraud, and wilful imposition, housebreaking with intent to steal, assault with intent to rob, breach of trust and embezzlement, burglary, larceny, obtaining goods or money by false pretences, swindling, cardsharping, and of attempts to commit any of these crimes, and of crimes contrary to the Acts of Parliament relating to the Queen's coinage, and of crimes relating to the Queen's coinage at common law, and of crimes inferring dishonest appropriation by post office officials, or of attempts to commit such crimes, whether such convictions be under the Post Office Acts or at common law, and of all other crimes inferring dishonest appropriation of property by a person not the owner thereof, or attempts to commit such crimes, whether in contravention of any Act of Parliament or at common law, may be lawfully put in evidence as aggravations against any person accused on indictment of any of the crimes, or attempts to commit crimes, above set forth, and any aggravation of the crime or attempt which such extract conviction bears to have been found proven, may be lawfully used in evidence to the like effect.

Previous convictions of violence.

LXIV. Extracts of previous convictions of any crime inferring personal violence obtained in any part of the United Kingdom may be lawfully put in evidence as aggravations of any crime inferring personal violence, and any aggravation set forth in such extract convictions may be lawfully used in evidence to the like effect.

Previous convictions of lewd conduct, &c.

LXV. Extracts of previous convictions obtained in any part of the United Kingdom of any crime inferring lewd, indecent, or libidinous conduct may be lawfully put in evidence as aggravations of any crime of a lewd, indecent, or libidinous character, and any aggravation set forth in such extract convictions may be lawfully used in evidence to the like effect.

* * * * * * *

Superfluous particulars as to identity.

LXVIII. When in the trial of any indictment, the evidence led shall be sufficient to prove the identity of any person, corporation, or company, or of any place, or of any thing, it shall not be a valid objection to the sufficiency of such evidence that any particulars set forth in regard thereto in the indictment have not been proved.

Declarations.

LXIX. The declaration of the person accused, the formal parts of which may be written or printed, or partly written and partly printed, duly authenticated by the magistrate examiner as having been emitted before him according to the existing law and practice, shall be received in evidence without being sworn to by witnesses, and it shall not be necessary to insert the names of any witnesses to the declaration in any list of witnesses, either for the prosecution or for the person accused, but it shall be competent for the person accused, before such declaration is read to the jury, to adduce as witnesses the persons who were present when the declaration was emitted, and to examine them upon any matters regarding such declaration on which it would be competent to examine them according to the existing law and practice, and to move the court to

refuse to allow the declaration to be read on grounds appearing on the face of the declaration itself, or on the ground of what is disclosed in such evidence or on both of these grounds, and where a person accused objects to the declaration, the prosecutor shall be entitled to examine any witnesses in regard thereto, whom the person accused may be entitled to examine as aforesaid.

Sections 16, 18, 19.

SCHEDULE C.

FORMS OF COMPLAINT AND CHARGES.

Under the Summary Jurisdiction (Scotland) Act, 1908.

In the Court of at .

The Complaint of Procurator Fiscal (*or* Burgh Prosecutor) (*or other party entitled to prosecute*).

A.B. (*Name and address sufficient to distinguish person*) (*or* at present in custody), you are charged at the instance of the Complainer, that on 20th , 19 , in (*or* at) you did (*set forth Charge as in Forms*).

Where Previous Convictions are libelled, add—And you have been previously convicted, as in the List annexed, *or where a Statute imposes increased penalties for a Second or Third Offence, add*—And such Offence is a Second (*or* Third) Offence you having been previously convicted, as in the List annexed. A statutory charge will conclude thus—Whereby you are liable to the penalties set forth in said section (*or* in section of said Act *or otherwise as the case may be, or if preferred the penalties may be shortly set forth*).

Previous Convictions where libelled may be detailed thus:—

List of previous convictions applying to you

Date.	Place of Trial.	Court.	Offence.	Sentence.

The Complaint will be signed thus—

C.D. Procurator Fiscal (*or* Burgh Prosecutor)

or

E.F. Complainer

or

G.H. Agent for Complainer.

The following Forms are additional to those contained in Schedule A to the Criminal Procedure (Scotland) Act, 1887, all of which, in so far as applicable to charges which may be tried summarily, shall be held to be incorporated in this Schedule:—

You did assault *C.D.* and strike him with your fists.

You did conduct yourself in a disorderly manner and commit a breach of the peace.

You did threaten violence to the lieges and commit a breach of the peace.

You did fight and commit a breach of the peace.

You did publicly expose your person in a shameless and indecent manner in presence of the lieges.

You did obtain from *C.D.* board and lodging to the value of 12*s.* without paying or intending to pay therefor.

You did maliciously knock down 22 yards of the coping of a wall forming the fence between two fields on said farm.

You did maliciously place a block of wood on the railway line and attempt to obstruct a train.

You did drive a horse and cart recklessly to the danger of the lieges.

You did break into a poultry house and steal three fowls.

You did steal a coat which you obtained from *C.D.* on the false representation that you had been sent for it by her husband.

having received from *C.D.* 6*l.* to hand to *E.F.*, you did on (*date*) at (*place*) steal said sum.

having received from *E.F.* a watch in loan, you did on , at , sell it to *C.D.*, and steal it.

having found a watch, you did, without trying to discover its owner, sell it on , at , to *C.D.*, and steal it.

You did receive from *C.D.*, a private in the Third Battalion Militia, a military jacket and waist belt, contrary to the Army Act, section 156; whereby, &c.

You did obtain credit from *C.D.* to the extent of 22*l.* without informing him that you were an undischarged bankrupt, contrary to the Bankruptcy Frauds and Disabilities (Scotland) Act, 1884, section 4; whereby, &c.

You, being the occupier of said house, did use the same for the purpose of betting with persons resorting thereto, contrary to the Betting Act, 1853, sections 1 and 3; whereby, &c.

You did frequent and loiter in said street for the purpose of betting and receiving bets, contrary to the Street Betting Act, 1906, section 1; whereby, &c.

You having on been convicted on indictment of the crime of theft, aggravated by previous convictions of theft, and sentenced to three years' penal servitude, were on found within the dwelling-house at , occupied by *C.D.*, about to commit theft, contrary to the Prevention of Crimes Act, 1871, section 7; whereby, &c.

You, being a dealer in old metals, did purchase from *C.D.*, sixteen pounds of brass, contrary to the Prevention of Crimes Act, 1871, section 13; whereby, &c.

You did assault *C.D.*, a constable of the shire Police, while engaged in the execution of his duty, and with a stick strike him on the face to the great effusion of blood, contrary to the Prevention of Crimes Act, 1871, section 12; whereby, &c.

You did cruelly illtreat a horse by causing it to draw a cart while it was suffering from a sore on its back under the saddle, contrary to the Cruelty to Animals (Scotland) Act, 1850, section 1; whereby, &c.

You did illtreat and neglect your children *E.B.*, aged seven years; *G.B.*, aged five years; and *F.B.*, aged three years, by failing to provide them with sufficient food and clothing, and by keeping them in a filthy and verminous condition, contrary to the Children Act, 1908, section 12; whereby, &c.

You, being a debtor in a process of sequestration and within four months next before the presentation of the petition for your sequestration, did pawn, otherwise than in the ordinary way of trade, 3 dozen pairs of shoes which you had obtained on credit from *C.D.*, and had not paid for, contrary

to the Debtors (Scotland) Act, 1880, section 13 (A), subsection (5); whereby, &c.

You did move into the District of the Local Authority of shire, seventy-five sheep, which had been brought from , without their being accompanied by a Declaration signed by their owner, contrary to the Regulations dated , made by the Local Authority of the County of ; whereby, &c.

You are the owner of a dog which is dangerous and not kept under proper control, and which on in did chase a flock of sheep, contrary to the Dogs Act, 1871, section 2, as amended by the Dogs Act, 1906, section 1, whereby you are liable to be ordered to keep said dog under proper control or to destroy it.

You did for a period of month immediately preceding , fail to provide efficient elementary education in reading, writing, and arithmetic for your children, *J.B.*, aged 13 years; *B.B.*, aged 11 years; and *D.B.*, aged 7 years, contrary to the Education (Scotland) Act, 1901, section 1, and relative enactments; whereby, &c.

being an unauthorised place you did keep for sale 150 lbs. of gunpowder, contrary to the Explosives Act, 1875, section 5; whereby, &c.

You did keep 156 lbs. of gunpowder, and did not keep it in a fireproof safe, contrary to the Explosives Act, 1875, section 22, as amended by section 3, subsection (1), Mode B, of the Order in Council (No. 16); whereby, &c.

, being master of the steam trawler *G.N.*, you did use the method of fishing known as otter trawling, contrary to the Herring Fishery (Scotland) Act, 1889, section 6, as amended by the Herring Fishery (Scotland) Act Amendment Act, 1890, section 3; whereby, &c.

, being master of the steam trawler *G.N.*, you did use the method of fishing known as otter trawling, contrary to Bye-Law No. made by the Fishery Board for Scotland, dated ; whereby, &c.

You did, in response to a demand by him for twopence worth of sweet milk, sell to *E.F.* (*address*), Sanitary Inspector for the County of , milk which was not genuine, as it contained less than 3 per cent. of milk fat (*or add when appropriate*—and less than 8·5 per cent. of milk solids other than milk fat), contrary to the Sale of Food and Drugs Act, 1875, section 6; whereby, &c.

You did induce *J.P.* to engage in an unlawful game called the "three card trick," and cheat him of 1*l.*, contrary to the Prevention of Gaming (Scotland) Act, 1869, section 3; whereby, &c.

You did by night enter on said land with nets for the purpose of taking game, contrary to the Night Poaching Act, 1828, section 1; whereby, &c.; *or*,

You did by night unlawfully take six rabbits; contrary to, &c.

You did in the daytime trespass on said land in search or pursuit of game (*or* rabbits), contrary to the Game (Scotland) Act, 1832, section 1; whereby, &c.

You were found in the possession of five hares, a net and six net pins, which hares you had obtained by unlawfully going on land in search or pursuit of game, and which net and net pins you had used for unlawfully killing or taking game, or you had been accessory thereto, contrary to the Poaching Prevention Act, 1862, section 2; whereby, &c.

You did present or cause to be presented to *C.D.*, Assessor for a return in which you falsely stated that the yearly rent of your house, No. Street, , was 20*l.*, instead of 30*l.*, contrary to the Lands Valuation (Scotland) Act, 1854, section 7; whereby, &c.

A.B., hotelkeeper, Hotel, you are charged, &c., that on Sunday in your said hotel you did

sell a half gill of whisky to *C.D.*, he not being a lodger in said hotel or a traveller, contrary to your certificate and the Licensing (Scotland) Act, 1903, section 53; whereby, &c.

You did sell a half gill of whisky to *C.D.*, who was then in a state of intoxication, contrary to your certificate and the Licensing (Scotland) Act, 1903, section 53; and such offence is a second offence, you having been previously convicted as in the list annexed: whereby, &c.

You were found in a state of intoxication and incapable of taking care of yourself, and not under the care or protection of some suitable person, contrary to the Licensing (Scotland) Act, 1903, section 70; whereby, &c.

You did knowingly sell a glass of whisky to *C.D.*, who had been convicted of the offences mentioned in and dealt with under section 72 of the Licensing (Scotland) Act, 1903, contrary to said Act, section 72; whereby, &c.

You did ride upon a bicycle without carrying a lamp constructed, placed, and lighted as required by law, contrary to the Local Government (Scotland) Act, 1889, section 58; whereby, &c.

You did take into your working place 1 lb. of gunpowder in a paper bag, contrary to the Coal Mines Regulation Act, 1887, section 49, General Rule 12 (*b*); whereby, &c.

You did ride on a hutch without the required permission, contrary to the Coal Mines Regulation Act, 1887, section 51, and to Special Rule 72; whereby, &c.

You did drive a motor car recklessly (*or* negligently), and knock down and injure *C.D.*, contrary to the Motor Car Act, 1903, section 1; whereby, &c.

You did drive a motor car at a speed exceeding 20 miles per hour, contrary to the Motor Car Act, 1903, section 9; whereby, &c.

You did fail to enter in your Pledge Book the sum of 8*s.* 1½*d.*, the profit charged on a loan of 25*s.* to *C.D.* on security of a watch pawned by him and redeemed on , contrary to the Pawnbrokers Act, 1872, section 12; whereby, &c.

You did act as a pedlar without having obtained a certificate, contrary to the Pedlars' Act, 1871, section 4; whereby, &c.

You did sell to *C.D.* a bottle of , which is a preparation of aconite and a poison, without distinctly labelling the said bottle with your name and address, and without making, before delivery thereof to him, the necessary entry in a book kept for that purpose, contrary to the Pharmacy Act, 1868, section 17; whereby, &c.

At one o'clock on the morning of said date you did sell to *C.D.* a pie and a bottle of lemonade, contrary to the Burgh Police (Scotland) Act, 1892, section 380, subsection 6; whereby, &c.

You did play at football, to the annoyance of the residents in said street, contrary to the Burgh Police (Scotland) Act, 1892, section 381, subsection 26; whereby, &c.

You kept and still keep nine hens and a cock, which are a nuisance to the inhabitants in the neighbourhood, contrary to the Burgh Police (Scotland) Act, 1892, section 389; whereby you are liable to be ordained to remove such fowls within such time as the court may fix.

Being a known (*or* reputed) thief, you were found in possession of a watch and chain, without being able to give a satisfactory account of your possession thereof, contrary to the Burgh Police (Scotland) Act, 1892, section 409; whereby, &c.

You did desert (*or* neglect to maintain) *C.D.*, your wife, and *E.D.* and *G.D.*, your children, whereby they have become chargeable to the said parish of , contrary to the Poor Law (Scotland) Act, 1845, section 80; whereby, &c.

You did place in a Post Office letter box a lighted match in a manner likely to injure post letters, contrary to the Post Office (Protection) Act, 1884, section 3; whereby, &c.

You did consign, for the food of man, to *E.F.* the carcase of a cow which was unsound and unfit for such food, contrary to the Public Health (Scotland) Act, 1897, section 43, subsection (4); whereby, &c.

You did travel in a railway carriage without having previously paid your fare, and with intent to avoid payment thereof, contrary to the Regulation of Railways Act, 1889, section 5, subsection (3) (*a*); whereby, &c.

having on within the house in No. Street, given birth to a female illegitimate child, you did fail, within twenty-one days thereafter, to attend personally and give information to *C.D.*, registrar of births, deaths, and marriages for (Registration District), of the several particulars required to be registered touching such birth, contrary to the Registration of Births, Deaths, and Marriages (Scotland) Act, 1854, section 27; whereby, &c.

You did take two salmon during the annual close time by means of cobles and sweep nets, contrary to the Salmon Fisheries (Scotland) Act, 1868, section 15; whereby, &c.

You did carry off from said premises the following poinded effects, namely, *in fraudem* of *C.D.*, a poinding creditor, contrary to the Small Debt (Scotland) Act, 1837, section 20; whereby, &c.

You did refuse to allow your child, *N.B.*, aged eight months, to be vaccinated, contrary to the Vaccination (Scotland) Act, 1863, section 18; whereby, &c.

You had in your possession for use for trade a counter balance which was false, and two weights, which were unjust, contrary to the Weights and Measures Act, 1878, section 25; whereby, &c.

Sections, 16, 21, 23.

SCHEDULE D.

WARRANTS OF CITATION, APPREHENSION, &c.

Edinburgh, 9th January 190 .—The court assigns 16th January 190 at 10 a.m. within the Sheriff Court House, Edinburgh, as a diet in this case.

W.G., Clerk of Court.

This form only necessary if special diet required.

Edinburgh, 9th January 190 .—The court grants warrant to apprehend the said accused.

If search warrant desired, it may be in the following terms:—

Grants warrants to search the person, dwelling-house, and repositories of said accused, and any place where he may be found, and to take possession of the property mentioned or referred to in the complaint, and all articles and documents likely to afford evidence of his guilt or of guilty participation.

Citation of accused.

A.B., above designed, you are hereby summoned to appear personally on 16th January 190 at 10 a.m., within the Sheriff Court House, Edinburgh, to answer to the complaint against you of which the above is a copy.

Served by me on 9th January 190 .

C.D., Police Constable.

A note in the following or similar terms may be appended to the service copy of a complaint:—

Note.—If you plead not guilty to the above charge your case will be adjourned to a diet to be fixed by the court [*or, if the case is to proceed to trial at the first diet*, your case will proceed to trial at such diet unless the court grants an adjournment]. If you desire to have witnesses cited for the defence, the police will give you all reasonable assistance to cite them.

Citation of witnesses.

To E.F. [*name and designation*].

You are hereby cited to appear personally on 16th January 190 at 10 a.m. in the City Police Court, Edinburgh, to give evidence for the prosecution in the case against *A.B.* (and you are required to produce . . . .).

C.D., Police Constable.

Note to be subjoined to Citations of Witnesses.

Witnesses failing to attend the court without lawful excuse are liable to be apprehended and punished.

Apprehension of witnesses.

Edinburgh, 16th January 190 .—The court, in respect *E.F.* a witness in the cause has failed to appear after being duly cited, adjourns the diet till 18th January 190 at 10 a.m., and ordains the accused and witnesses to appear personally at said diet, and grants warrant to apprehend the said *E.F.* and to detain him in any prison or in a police cell until said diet, unless sufficient security to the amount of £ be found for his appearance at all diets of court.

Adjournment for inquiry.

Edinburgh, 9th January 190 .—The court on the motion of the Prosecutor continues the case against the accused until January 190 , and meantime grants warrant to detain the accused in Prison until that time (*or* until sufficient security to the amount of £ be found for his appearance at all diets of court).

Officer's Execution of Service of Complaint on an Accused Person.

I, officer of law, upon the day of lawfully summoned [*name and designation of accused as in Complaint*] to appear before the Court on the day of at o'clock . . . noon, to answer to a complaint at the instance of charging him with [*state offence*] . This I did by delivering a copy of the complaint with citation thereto attached [*state how served upon accused, whether personally or left at dwelling-house or otherwise*].

C.D., Police Constable.

Officer's Execution of Citation of a Witness.

I, officer of law, upon the day of lawfully cited [*name and designation of witness*] to appear before the Court on the day of to give evidence for the prosecution [*or defence*] in the complaint at the instance of against [*name and designation of accused*] . This I did by delivering a citation to that effect [*state how served, whether personally or left at dwelling-house or otherwise*].

C.D., Police Constable.

SCHEDULE E.

Sections 16, 53, 56.

MINUTES OF PROCEDURE, &c.

Edinburgh, 9th January 190 .—*G.N.*, judge.

Plea of guilty. Compeared the accused and, in answer to the complaint, pled guilty.

Sentence. Sentence: Twenty-one days' imprisonment.

Where different pleas tendered. Compeared the accused and, in answer to the complaint, *A.B.* pled guilty and *C.D.* pled guilty to the third charge.

Sentence where more than one accused and different pleas. Sentence, *A.B.* Twenty-one days' imprisonment, *C.D.* seven days' imprisonment.

Plea and sentence combined. Compeared the accused, and, in answer to the complaint, pled guilty (*or state to what extent plea tendered*), and was sentenced to days' imprisonment (*or* was fined £ and in default of payment days' imprisonment) (*or as the case may be*).

Plea of not guilty. Compeared the accused, who, in answer to the complaint, pled not guilty.

Adjournment. The court adjourned the diet to 11th January 190 at 10 a.m., and ordained the accused then to appear.

Or,

The court adjourned the diet to 11th January 190 at 10 a.m. and ordered the accused to be imprisoned until that date or until security for £ be found for his appearance at all diets of Court.

Or,

The court adjourned the diet to 11th January 190 at 10 a.m., and ordered the accused to appear personally at that diet under a penalty of £ in default.

Trial. Edinburgh, 11th January 190 .—*G.N.*, judge.

Compeared the accused (*or* the accused failed to appear after being duly cited, *or* after receiving due intimation of this diet).

Finding. The court found the accused guilty as libelled (*or* as first (*or* last) alternately libelled, *or state to what extent found guilty*), (*or* not guilty), (*or* found the charge not proven), (*or* found *A.B.* guilty as libelled and *C.D.* guilty as second libelled (*or, as the case may be*)).

Imprisonment. Sentence. days' imprisonment.

Or,

Fine. Fined £ , (*or* £ each), and in default of payment days' imprisonment (*or* days' imprisonment each).

Fined £ (including £ expenses), and in default of payment days' imprisonment.

Or,

Time allowed. Fined £ , and in default of payment within days from this date, days' imprisonment.

Or,

Caution. To find £ caution for good behaviour for months, and in default days' imprisonment.

Or,

Fined £ , and in default of payment, days' imprisonment and to find £ caution for good behaviour for months, and in default days' imprisonment further. Fine and caution

To be imprisoned for days from this date and to find caution for £ for good behaviour for months thereafter, and in default days' imprisonment further. Imprisonment and caution.

The court found the accused *A.B.* guilty as libelled and fined him £1, and, in respect the said *C.D.* has conduced to the commission of said offence by habitually neglecting to exercise due care of the said *A.B.*, ordered said fine to be paid by the said *C.D.*, and in default of payment sentenced the said *C.D.* to days' imprisonment. Fine imposed on Parent in lieu of Child.

To receive stripes with the birch rod in presence of , surgeon, or, in the event of said surgeon certifying that he is unfit to undergo such punishment, ordains the said accused [*state what other alternative*]. Whipping.

Sentence deferred till , 190 , when accused ordained to appear. Sentence deferred.

Admonished and dismissed. Admonition.

The court, on the motion of the prosecutor, deserted the diet *pro loco et tempore*. Desertion of diet.

Where there are several accused and different sentences pronounced on each, the sentence applicable to each may be minuted under the appropriate form.

BAIL BOND.

I, *C.D.*, do hereby judicially enact and bind and oblige myself as cautioner and surety that *A.B.* shall appear personally in the Sheriff Court, Edinburgh, on 16th January 190 , at 10 a.m. and at any other diet to which the cause may be adjourned, to answer to a complaint at the instance of the Procurator Fiscal of Court, charging him with the crime of assault, and that under a penalty of £ to be paid by me in case of failure, and to be recovered in the manner prescribed by the Summary Jurisdiction (Scotland) Act, 1908.

In witness whereof, &c.

C.D.

E.F., Witness.
G.H., Witness.

The court in respect of the failure of the accused to attend this diet on the motion of the prosecutor declares the bail of £ (*or* a pledge, viz.) deposited as security for his appearance to be forfeited and also grants warrant for his apprehension. Forfeiture of bail consigned.

The court, in respect of the failure of the accused to attend at this diet, on the motion of the prosecutor declares a bond of caution granted for his appearance under a penalty of £ to be forfeited: further, ordains *C.D.*, cautioner in said bond, to be charged to make payment to the clerk of court of said sum within six days after such charge, and in default of payment to be imprisoned for days from the date of his incarceration unless payment of said penalty be sooner made, but reserving to the said *C.D.* within said six days to make application to the court for an extension of time for payment of said sum if so advised, and grants warrant for the apprehension of the said *A.B.* Forfeiture of bail bond.

Charge to cautioner.

To *C.D.* I, officer of law, Edinburgh, hereby charge you to make payment of the sum of £ , being the penalty contained in bond of caution by you for *A.B.*, which bond has been declared forfeited in respect of his non-appearance to answer to the complaint against him as provided for in said bond, the said sum to be paid by you to the clerk of court, Sheriff Court, Edinburgh, within six days after the date of this my charge, under pain of imprisonment for the period of days from the date of incarceration unless said sum be sooner paid.

This charge served by me on 21st January 190 .

E.F., Police Constable.

If you desire to obtain an extension of time for payment application therefor to the court must be made within six days from this date.

Forms similar to those applicable to the finding and forfeiture of bail may, with the necessary variations, be used for the finding and forfeiture of caution for good behaviour.

EXTRACT.

Under the Summary Jurisdiction (Scotland) Act, 1908.

In the Court of at

Name of accused .
Date of conviction .
Offence of which convicted .

Imprisonment.

Sentence. Imprisonment days.

In respect of which sentence warrant is hereby granted to officers of law to convey the accused to the prison of [*place*] and for the detention of the accused therein for days from the date of imprisonment.

W.G., Clerk of Court.

Fine or Imprisonment (Immediate).

Sentence, £ fine or days' imprisonment. In respect of which sentence warrant is hereby granted to officers of law to convey the accused to the prison of [*place*] and for the detention of the accused therein until said fine is paid, but not exceeding days from the date of imprisonment.

Fine or Imprisonment (Time allowed).

Sentence, £ fine (payable within days) or days' imprisonment.

In respect of which sentence, the period allowed for payment of said fine having expired and said fine not having been paid, warrant is hereby granted to officers of law to convey the accused to the prison of [*place*] and for the detention of the accused therein until said fine is paid, but not exceeding days from the date of imprisonment.

Caution.

Sentence, £ caution for good behaviour for six months (from date of conviction) or days' imprisonment.

In respect of which sentence warrant is hereby granted to officers of law to convey the accused to the prison of [*place*] and for the detention of the accused therein until said caution is found, but not exceeding days from the date of imprisonment.

Fine and caution.

Sentence, £ fine or days' imprisonment
and
£ caution for good behaviour for months (from payment of said fine or from the expiry of the period of imprisonment for non-payment) or days' imprisonment further.

In respect of which sentence warrant is hereby granted to officers of law to convey the accused to the prison of [*place*] and for the detention of the accused therein until said fine is paid and said caution is found, the detention for non-payment of said fine not exceeding days from the date of imprisonment, and the detention for failure to find said caution not exceeding days further from payment of said fine or from expiry of the term of imprisonment for non-payment thereof.

Sentence. Imprisonment days and £ caution for good behaviour for months thereafter, or days' imprisonment. Imprisonment and caution.

In respect of which sentence warrant is hereby granted to officers of law to convey the accused to the prison of [*place*] and for the detention of the accused therein for days from the date of imprisonment and for his further detention thereafter until said caution is found, but not exceeding days further.

The necessary variations to meet different sentences will be made on this extract. An extract in this form shall be applicable either to sentence on a plea of guilty or on conviction. Where an extract is required for production as evidence of previous conviction, any particulars as to prior convictions may be set forth in a schedule annexed to the extract.

FORMS UNDER PROBATION OF OFFENDERS ACT, 1907.

The court, being of opinion that the charge against the accused is proved by his own admission [*or* by evidence adduced] and being also of opinion that it is expedient to release the accused on probation under The Probation of Offenders Act, 1907, orders that the accused be discharged on entering into his own bond to observe the following conditions of discharge, viz.:— Probation Order.

(1) To appear for conviction and sentence when called on, at any time within months from this date, under a penalty of £ .
(2) In the meantime to be of good behaviour.
(3) To remain during the said period under the supervision of probation officer, and to conform to his directions as to conduct and residence.
(4) To remain in any employment which he may obtain or which may be found for him unless he has reasonable excuse for leaving the same; and to perform the duties assigned to him in such employment.
(5) Not to associate with thieves or other undesirable persons or frequent undesirable places.
(6) To abstain from intoxicating liquor.

I, *A.B.*, do hereby judicially bind and oblige myself in terms of said Act and of the above Order that I will observe and conform to all the conditions set forth in the above Order which are hereby held as repeated and of which Order I hereby acknowledge to have received a copy. Bond.

A.B.

At the day of 190 . In presence of [judge]

Compeared , probation officer within designed, who, being solemnly sworn and examined, depones that the said *A.B.* has failed to Oath of probation officer on failure of accused to observe his bond.

observe the conditions of his bond in respect that [*set forth shortly particulars as to such failure*] All which is truth as the deponent shall answer to God.

[Signatures of probation officer and judge.]

Warrant to summon.

Eo die. The court grants warrants to officers of law to summon the said *A.B.* to appear for conviction and sentence on the within complaint on in the court.

[*Clerk of Court.*]

or

Warrant to apprehend.

The court grants warrant to apprehend the said *A.B.*

[*Judge.*]

Summons by officer.

A.B. [designed] You are hereby summoned to appear for conviction and sentence on in the court at for the offence in respect of which you were on placed on probation under bond signed by you on said date, you having failed to observe the conditions of your bond, viz. [*set forth shortly the particulars of failure*] with certification that in the event of your failing to attend warrant may be issued for your apprehension.

[*Police Constable.*]

[*Place and date.*] Compeared the said *A.B.* The court having made inquiry and being satisfied that the said *A.B.* had failed to observe the conditions of his bond found him guilty of the offence in the foregoing complaint and sentenced him [*set forth sentence*].

The necessary variations may be made on the above forms to meet the special circumstances of any case. If the bond is not written on the complaint the conditions prescribed by the court will be detailed in it.

Sections 16, 17.

SCHEDULE F.

INCIDENTAL APPLICATIONS.

Under the Summary Jurisdiction (Scotland) Act, 1908.

In the Court at

The Petition of

Humbly sheweth—

That [*state the circumstances and the statute or statutes, if any, on which the application is based*].

The petitioner therefore craves the court [*set forth warrant or order desired*].

According to Justice, &c.

EXAMPLES OF CRAVES FOR WARRANTS AND ORDERS OF COURT.

(*a*) To grant warrant to officers of law to search the premises at occupied by for the stolen property mentioned in the petition [*or, as the case may be*] and to take possession thereof and convey it to .

(*b*) To seize and destroy the carcase referred to in the petition.

(*c*) To order the property mentioned in the petition to be restored to the petitioner on proof thereof being given that such property was stolen and that the petitioner is the true owner or possessor thereof.

(*d*) To remit the accused to the sheriff of [*place*] (*or, as the case may be*), and meantime to grant warrant to convey him to the prison (or police cells) of [*place*] , thereafter to be dealt with in due course of law.

Form of Warrant or Order to be written on such Petition.

[*Place and date.*] The court having considered the foregoing petition grants warrant as craved.

SCHEDULE G.

Sections 16, 52, 74

Table of Fees.

I.—*To the Procurator Fiscal or qualified Law Agent acting for a Prosecutor other than the public prosecutor of a court.*

	£	s.	d.
Framing the complaint and whole proceedings prior to trial	0	7	6
Each copy of complaint for service	0	1	0
Attending a trial—			
If plea of guilty	0	5	0
If proof led	0	7	6
If case adjourned for second diet	0	5	0

II.—*Court or Clerk's Dues.*

For each complaint	0	2	6
For whole proceedings at trial—			
If plea of guilty	0	2	6
If proof led	0	5	0
Extract of any judgment, conviction, or order	0	1	0
Fee for preparing stated case	1	10	0

These fees do not apply to Sheriff Court proceedings regulated by Act of Sederunt.

To the bar officer for whole proceedings—

	£	s.	d.
If plea of guilty	0	0	6
If proof led	0	1	0

III.—*Officer's Fees.*

For serving each complaint and returning execution	0	1	6
For citing each witness	0	0	6
For apprehending a respondent or witness	0	2	6
For each hour the prisoner is necessarily in the custody of the officer beyond the first	0	1	0

In any case where a concurrent or assistant is required he will be allowed a sum equal to two-thirds of the fee payable to the officer for the same business.

In addition, necessary travelling expenses to be paid.

IV.—*Witnesses.*

Such reasonable fees and expenses as may be sanctioned by the court.

SCHEDULE H.

Sections 16, 64, 70.

Forms of Procedure in Appeals.

Stated Case.

In the Court of held at

Case for the opinion of the High Court of Justiciary at Edinburgh.

In causa *A.B.* v. *C.D.*

This is a cause [*here state concisely and without argument the nature of the cause and the facts if any admitted or proved in evidence, any objections to the admission or rejection of evidence taken in the proof,*

the grounds of the decision, and any other matters necessary to be stated for the information of the superior court].

The question submitted for the opinion of the Court is:—

[*Here state the question or questions seriatim, for the opinion of the Court*].

This case is stated by me [*or* us].

(*Signature of the Inferior Judge, or preses if more than two Judges.*)

MINUTES OF PROCEDURE.

Edinburgh, January 190 .—The said *A.B.* craves the court to state a case for the opinion of the High Court of Justiciary.

A.B.,

or *C.D.*, Agent for the said *A.B.*

Eo die the court fixes £ as the sum to be consigned by said appellant, and grants interim liberation without further caution.

Eo die £ consigned.

January 190 .—Draft case sent to appellant and duplicate thereof to respondent.

February 190 .—Case returned adjusted by parties.

February 190 .—Case signed and sent to appellant and complaint and productions transmitted to clerk of justiciary.

Where Prosecutor consents to Conviction being set aside.

January 190 .—The prosecutor consents to the conviction in this case being set aside by the High Court in respect [*set forth grounds on which consent given*].

(*To be signed by the prosecutor or his agent.*)

January 190 .—The appellant intimated that he did not desire to be heard with reference to the above minute by the prosecutor.

Eo die case transmitted to clerk of justiciary.

The above Minutes of Procedure will, except where otherwise stated, be signed by the Clerk of the Court.

CHAPTER 66.

An Act to prevent disturbance of Public Meetings.

[21st December 1908.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Penalty on endeavour to break up public meeting.

1.—(1) Any person who at a lawful public meeting acts in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was called together shall be guilty of an offence, and, if the offence is committed at a political meeting held in any parliamentary constituency between the date of the issue of a writ for the return of a

member of Parliament for such constituency and the date at which a return to such writ is made, he shall be guilty of an illegal practice within the meaning of the Corrupt and Illegal Practices Prevention Act, 1883, and in any other case shall, on summary conviction, be liable to a fine not exceeding five pounds, or to imprisonment not exceeding one month.

46 & 47 Vict. c. 51.

(2) Any person who incites others to commit an offence under this section shall be guilty of a like offence.

2. This Act may be cited as the Public Meeting Act, 1908. Short title.

CHAPTER 67.

An Act to consolidate and amend the Law relating to the Protection of Children and Young Persons, Reformatory and Industrial Schools, and Juvenile Offenders, and otherwise to amend the Law with respect to Children and Young Persons. [21st December 1908.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

PART I.

INFANT LIFE PROTECTION.

Notices to be given by persons receiving infants for reward.

1.—(1) Where a person undertakes for reward the nursing and maintenance of one or more infants under the age of seven years apart from their parents or having no parents, he shall, within forty-eight hours from the reception of any such infant, give notice in writing thereof to the local authority:

Provided that this section shall not apply, as respects any infant, where the period for which it is received is forty-eight hours or less.

(2) Where a person undertakes for reward the nursing and maintenance of an infant already in his care without reward, the entering into the undertaking shall, for the purposes of this Part of this Act, be treated as a reception of the infant.

(3) The notice shall state the name, sex, and date and place of birth of the infant, the name of the person receiving the infant, and the dwelling within which the infant is being kept, and the name and address of the person from whom the infant has been received.

(4) If a person who has undertaken the nursing and maintenance of any such infant changes his residence, he shall within forty-eight hours thereof give to the local authority notice in writing of the change, and, where the residence to which he moves is situate in the district of another local authority, he shall give to that local authority the like notice as respects

each infant in his care as he is by this section required to give on the first reception of the infant.

(5) If any such infant dies or is removed from the care of the person who has undertaken its nursing and maintenance, that person shall, within forty-eight hours thereof, give to the local authority notice in writing of the death or removal, and in the latter case also of the name and address of the person to whose care the infant has been transferred.

(6) Where at the commencement of this Act any infant is under the care of any person who has, before the commencement of this Act, undertaken its nursing and maintenance under such circumstances that if its nursing and maintenance had been undertaken after the commencement of this Act he would have been required to give notice to the local authority under this section, he shall, within one month after the commencement of this Act, give to the local authority the like notice as if the nursing and maintenance of the infant had been undertaken after the commencement of this Act:

Provided that nothing in this subsection—

(*a*) shall apply to any person who on the reception of an infant gave such notice as was required by the Infant Life Protection Act, 1897; or

60 & 61 Vict. c. 57.

(*b*) shall exempt any person who ought to have given notice under that Act from any liability which he may have incurred thereunder.

Subject as aforesaid, this Part of this Act shall apply to an infant whose nursing and maintenance has been undertaken for reward before the passing of this Act in like manner as it applies to an infant whose nursing and maintenance has been so undertaken after the commencement of this Act, and as if any notice given under the Infant Life Protection Act, 1897, had been a notice given under this Part of this Act.

(7) If any person required to give a notice under this section fails to give the notice within the time specified for giving the notice, he shall be guilty of an offence under this Part of this Act, and, if the infant in respect of which notice ought to have been given was an infant the consideration for whose nursing and maintenance consisted in whole or in part of a lump sum, the person failing to give the notice shall, in addition to any other penalty under this Part of this Act, be liable to forfeit that sum or such less sum as the court having cognizance of the case may deem just, and the sum forfeited shall be applied for the benefit of the infant in such manner as the court may direct, and where any such sum is ordered to be forfeited the order may be enforced as if it were an order of the court made on complaint.

Appointment and powers of inspectors, &c.

2.—(1) It shall be the duty of every local authority to provide for the execution of this Part of this Act within their district, and for that purpose they shall from time to time make

inquiry whether there are any persons residing therein who undertake the nursing and maintenance of infants in respect of whom notice is required to be given under the foregoing section.

(2) If in the district of any local authority any persons are found to undertake the nursing and maintenance of such infants as aforesaid, the local authority shall appoint one or more persons of either sex to be infant protection visitors, whose duty it shall be from time to time to visit any infants referred to in any notice given under this Part of this Act, and the premises in which they are kept, in order to satisfy themselves as to the proper nursing and maintenance of the infants or to give any necessary advice or directions as to their nursing and maintenance:

Provided that the local authority may, either in addition to or in lieu of appointing infant protection visitors, authorise in writing one or more suitable persons of either sex to exercise the powers of infant protection visitors under this Part of this Act, subject to such terms and conditions as may be stated in the authorisation, and, where any infants have been placed out to nurse in the district of the authority by any philanthropic society, may, if satisfied that the interests of the infants are properly safeguarded, so authorise the society to exercise those powers as respects those infants, subject, however, to the obligation to furnish periodical reports to the local authority.

(3) A local authority may combine with any other local authority for the purpose of executing the provisions of this Part of this Act, and for defraying the expenses thereof.

(4) A local authority may exempt from being visited, either unconditionally or subject to such conditions as they think fit, any particular premises within their district which appear to them to be so conducted that it is unnecessary that they should be visited.

(5) If any person undertaking the nursing and maintenance of any such infants refuses to allow any such visitor or other person to visit or examine the infants or the premises in which they are kept, he shall be guilty of an offence under this Part of this Act.

(6) If any such visitor or other person is refused admittance to any premises in contravention of this Part of this Act, or has reason to believe that any infants under the age of seven years are being kept in any house or premises in contravention of this Part of this Act, he may apply to a justice, who, on being satisfied, on information in writing on oath, that there is reasonable ground for believing that an offence under this Part of this Act has been committed, may grant a warrant authorising the visitor or other person to enter the premises for the purpose of ascertaining whether any offence under this Part of this Act has been committed, and, if the occupier of the premises or any other person obstructs or causes or procures to be obstructed any

visitor or other person acting in pursuance of such a warrant, he shall be guilty of an offence under this Part of this Act.

Persons prohibited from receiving children for reward.

3. An infant, in respect of which notice is required to be given under this Part of this Act, shall not, without the written sanction of the local authority, be kept—

(*a*) by any person from whose care any infant has been removed under this Part of this Act or the Infant Life Protection Act, 1897 ; or

(*b*) in any premises from which any infant has been removed under this Part of this Act by reason of the premises being dangerous or insanitary, or has been removed under the Infant Life Protection Act, 1897, by reason of the premises being so unfit as to endanger its health ; or

(*c*) by any person who has been convicted of any offence under Part II. of this Act or under the Prevention of Cruelty to Children Act, 1904 ;

4 Edw. 7. c. 15.

and any person keeping or causing to be kept an infant contrary to this section shall be guilty of an offence under this Part of this Act.

Local authority to fix number of infants which may be retained.

4. The local authority may fix the number of infants under the age of seven years which may be kept in any dwelling in respect of which a notice has been received under this Part of this Act, and any person keeping any infant in excess of the number so fixed shall be guilty of an offence under this Part of this Act.

Removal of infant improperly kept.

5.—(1) If any infant, in respect of which notice is required to be given under this Part of this Act is kept,—

(*a*) in any premises which are overcrowded, dangerous or insanitary ; or

(*b*) by any person who, by reason of negligence, ignorance, inebriety, immorality, criminal conduct, or other similar cause, is unfit to have care of it ; or

(*c*) by any person or in any premises in contravention of any of the provisions of this Part of this Act,

any visitor or other person appointed or authorised to execute the provisions of this Part of this Act may apply either to a justice or to the local authority for an order directing him to remove the infant to a place of safety until it can be restored to its relatives or be otherwise lawfully disposed of.

(2) Any person refusing to comply with such an order upon its being produced and read over to him, or obstructing or causing or procuring to be obstructed the visitor or such other person in the execution thereof, shall be guilty of an offence under this Part of this Act, and

(*a*) if the order was made by a justice, the order may be enforced by the visitor or by any constable ; and

(*b*) if the order was made by the local authority the visitor or other person may apply to any justice for an order directing the removal of the infant, which order may be enforced by the visitor or by any constable.

Notice to coroner.

6.—(1) In the case of the death of any infant respecting which notice is required to be given under this Part of this Act, the person who had the care of the infant shall, within twenty-four hours of the death, give notice in writing thereof to the coroner of the district within which the body of the infant lies, and the coroner shall hold an inquest thereon, unless a certificate under the hand of a duly qualified medical practitioner is produced to him, certifying that he has personally attended the infant during its last illness, and specifying the cause of death, and the coroner is satisfied that there is no ground for holding an inquest.

(2) If any person required to give a notice under this section fails to give the notice within the time specified for giving the notice, he shall be guilty of an offence under this Part of this Act.

Avoidance of policies of life insurance of infants kept for reward. 14 Geo. 3. c. 48.

7. A person by whom an infant in respect of which notice is required to be given under this Part of this Act is kept shall be deemed to have no interest in the life of the child for the purposes of the Life Assurance Act, 1774, and, if any such person directly or indirectly insures or attempts to insure the life of such an infant, he shall be guilty of an offence under this Part of this Act, and, if a company, within the meaning of the Life Assurance Companies Acts, 1870 to 1872, or any other company, society, or person, knowingly issues, or procures or attempts to procure to be issued, to or for the benefit of such a person as aforesaid or to any person on his behalf, a policy on the life of such an infant, the company, society, or person shall be guilty of an offence under this Part of this Act.

Provisions as to notices.

8.—(1) If any person required to give a notice under this Part of this Act knowingly or wilfully makes, or causes or procures any other person to make, any false or misleading statement in any such notice, he shall be guilty of an offence under this Part of this Act.

(2) Every notice by this Part of this Act required to be given may be sent by post in a registered letter addressed to the clerk of the local authority or to such other person as the local authority may appoint, or in the case of a notice to a coroner to the coroner, or may be delivered at the office of the local authority or, in the case of a notice to a coroner, at his office or residence.

Prosecution of offences and application of fines.

9.—(1) Every person guilty of an offence under this Part of this Act shall on summary conviction be liable to imprisonment for a term not exceeding six months or to a fine not exceeding twenty-five pounds, and the court may order any infant in respect of which the offence was committed to be removed to a place of safety.

(2) Any fines under this Part of this Act shall, notwithstanding any provision in any other Act, be paid to the local authority, and be applied to the purposes to which the fund or

rate out of which the expenses of the local authority are to be defrayed is applicable.

Local authorities and expenses.

10.—(1) The local authority for the purposes of this Part of this Act shall,—

(*a*) as respects the County of London, exclusive of the City, be the county council;

(*b*) as respects the City of London, be the Common Council;

(*c*) elsewhere be the guardians of the poor law union.

(2) All expenses incurred by or on behalf of the local authority in and about the execution of this Part of this Act shall be defrayed—

(*a*) in the case of the county of London, out of the county fund as general county expenses;

(*b*) in the case of the City of London, out of the general rate;

(*c*) in the case of a board of guardians, out of the common fund.

Exemptions.

11.—(1) The provisions of this Part of this Act shall not extend to any relative or legal guardian of an infant who undertakes the nursing and maintenance of the infant, or to any person who undertakes the nursing or maintenance of an infant under the provisions of any Act for the relief of the poor or of any order made under any such Act; or to hospitals, convalescent homes, or institutions established for the protection and care of infants, and conducted in good faith for religious or charitable purposes, or boarding schools at which efficient elementary education is provided.

(2) For the purposes of this section the expression "relatives" means grandparents, brothers, sisters, uncles, and aunts, by consanguinity or affinity, and in the case of illegitimate infants the persons who would be so related if the infant were legitimate.

PART II.

PREVENTION OF CRUELTY TO CHILDREN AND YOUNG PERSONS.

Cruelty to Children and Young Persons.

Punishment for cruelty to children and young persons.

12.—(1) If any person over the age of sixteen years, who has the custody, charge, or care of any child or young person, wilfully assaults, ill-treats, neglects, abandons, or exposes such child or young person, or causes or procures such child or young person to be assaulted, ill-treated, neglected, abandoned, or exposed, in a manner likely to cause such child or young person unnecessary suffering or injury to his health (including injury to or loss of sight, or hearing, or limb, or organ of the body, and any mental derangement), that person shall be guilty of a misdemeanor, and shall be liable—

(*a*) on conviction on indictment, to a fine not exceeding one hundred pounds, or alternatively, or in default of payment of such fine, or in addition thereto, to imprison-

ment, with or without hard labour, for any term not exceeding two years; and

(*b*) on summary conviction, to a fine not exceeding twenty-five pounds, or alternatively, or in default of payment of such fine, or in addition thereto, to imprisonment, with or without hard labour, for any term not exceeding six months;

and for the purposes of this section a parent or other person legally liable to maintain a child or young person shall be deemed to have neglected him in a manner likely to cause injury to his health if he fails to provide adequate food, clothing, medical aid, or lodging for the child or young person, or if, being unable otherwise to provide such food, clothing, medical aid, or lodging, he fails to take steps to procure the same to be provided under the Acts relating to the relief of the poor.

(2) A person may be convicted of an offence under this section, either on indictment or by a court of summary jurisdiction, notwithstanding that actual suffering or injury to health, or the likelihood of such suffering or injury to health, was obviated by the action of another person.

(3) A person may be convicted of an offence under this section, either on indictment or by a court of summary jurisdiction, notwithstanding the death of the child or young person in respect of whom the offence is committed.

(4) Upon the trial of any person over the age of sixteen indicted for the manslaughter of a child or young person of whom he had the custody charge or care, it shall be lawful for the jury, if they are satisfied that the accused is guilty of an offence under this section in respect of such child or young person, to find the accused guilty of such offence.

(5) If it is proved that a person convicted under this section was directly or indirectly interested in any sum of money accruable or payable in the event of the death of the child or young person, and had knowledge that such sum of money was accruing or becoming payable, then—

(*a*) in the case of a conviction on indictment, the court may in its discretion either increase the amount of the fine under this section so that the fine does not exceed two hundred pounds; or, in lieu of awarding any other penalty under this section, sentence the person to penal servitude for any term not exceeding five years; and

(*b*) in the case of a summary conviction, the court in determining the sentence to be awarded shall take into consideration the fact that the person was so interested and had such knowledge.

(6) A person shall be deemed to be directly or indirectly interested in a sum of money under this section, if he has any share in or any benefit from the payment of that money, though he is not a person to whom it is legally payable.

(7) A copy of a policy of insurance, certified by an officer or agent of the insurance company granting the policy, to be a true copy, shall in any proceedings under this section be primâ facie evidence that the child or young person therein stated to be insured has been in fact so insured, and that the person in whose favour the policy has been granted is the person to whom the money thereby insured is legally payable.

(8) An offence under this section is in this Part of this Act referred to as an offence of cruelty.

Suffocation of infants.

13. Where it is proved that the death of an infant under three years of age was caused by suffocation (not being suffocation caused by disease or the presence of any foreign body in the throat or air-passages of the infant) whilst the infant was in bed with some other person over sixteen years of age, and that that other person was at the time of going to bed under the influence of drink, that other person shall be deemed to have neglected the infant in a manner likely to cause injury to its health within the meaning of this Part of this Act.

Other Offences in relation to Children and Young Persons.

Begging.

14.—(1) If any person causes or procures any child or young person, or, having the custody charge or care of a child or young person, allows that child or young person, to be in any street, premises, or place for the purpose of begging or receiving alms, or of inducing the giving of alms, whether or not there is any pretence of singing, playing, performing, offering anything for sale, or otherwise, that person shall, on summary conviction, be liable to a fine not exceeding twenty-five pounds, or alternatively, or in default of payment of such fine, or in addition thereto, to imprisonment, with or without hard labour, for any term not exceeding three months.

(2) If a person having the custody charge or care of a child or young person is charged with an offence under this section, and it is proved that the child or young person was in any street, premises, or place for any such purpose as aforesaid, and that the person charged allowed the child or young person to be in the street, premises, or place, he shall be presumed to have allowed him to be in the street, premises, or place for that purpose unless the contrary is proved.

Exposing children to risk of burning.

15. If any person over the age of sixteen years who has the custody charge or care of any child under the age of seven years allows that child to be in any room containing an open fire grate not sufficiently protected to guard against the risk of the child being burnt or scalded, without taking reasonable precautions against that risk, and by reason thereof the child is killed or suffers serious injury, he shall on summary conviction be liable to a fine not exceeding ten pounds:

Provided that this section shall not, nor shall any proceedings taken thereunder, affect any liability of any such person to be proceeded against by indictment for any indictable offence.

Allowing children or young persons to be in brothels.

16.—(1) If any person having the custody, charge, or care of a child or young person between the ages of four and sixteen allows that child or young person to reside in or to frequent a brothel, he shall be guilty of a misdemeanor and shall be liable on conviction on indictment or on summary conviction to a fine not exceeding twenty-five pounds, or alternatively or in default of payment of such fine, or in addition thereto, to imprisonment, with or without hard labour, for any term not exceeding six months.

(2) Nothing in this section shall affect the liability of a person to be indicted under section six of the Criminal Law Amendment Act, 1885, but upon the trial of a person under that section it shall be lawful for the jury, if they are satisfied that the accused is guilty of an offence under this section, to find the accused guilty of such offence.

48 & 49 Vict. c. 69.

Punishment of person causing, encouraging, or favouring seduction or prostitution of young girl.

17.—(1) If any person having the custody, charge, or care of a girl under the age of sixteen years causes or encourages the seduction or prostitution of that girl, he shall be guilty of a misdemeanor and shall be liable to imprisonment, with or without hard labour, for any term not exceeding two years.

(2) For the purposes of this section a person shall be deemed to have caused or encouraged the seduction or prostitution (as the case may be) of a girl who has been seduced or become a prostitute if he has knowingly allowed the girl to consort with, or to enter or continue in the employment of, any prostitute or person of known immoral character.

Power to bind over person having custody of young girl to exercise proper care.

18.—(1) Where it is shown to the satisfaction of a court of summary jurisdiction, on the complaint of any person, that a girl under the age of sixteen years is, with the knowlege of her parent or guardian, exposed to the risk of seduction or prostitution, or living a life of prostitution, the court may adjudge her parent or guardian to enter into a recognizance to exercise due care and supervision in respect of the girl.

(2) The provisions of the Summary Jurisdiction Act, 1879, with respect to recognizances to be of good behaviour (including the provisions as to the enforcement thereof) shall apply to recognizances under this section.

42 & 43 Vict. c. 49.

Arrest of Offender and Provision for Safety of Children.

Power to take offenders into custody.

19.—(1) Any constable may take into custody, without warrant, any person—

(*a*) who within view of the constable commits an offence under this Part of this Act, or any of the offences mentioned in the First Schedule to this Act, where the name and residence of such person are unknown to the constable and cannot be ascertained by the constable; or

(*b*) who has committed, or who the constable has reason to believe has committed, an offence of cruelty or any

of the offences mentioned in the First Schedule to this Act, if he has reasonable ground for believing that such person will abscond, or if the name and address of such person are unknown to and cannot be ascertained by the constable.

(2) Where a constable arrests any person without warrant in pursuance of this section, the superintendent or inspector of police or an officer of police of equal or superior rank, or the officer in charge of the police station to which such person is brought, shall, unless in his belief the release of such person on bail would tend to defeat the ends of justice, or to cause injury or danger to the child or young person against whom the offence is alleged to have been committed, release the person arrested on his entering into such a recognizance, with or without sureties, as may in the judgment of the officer of police be required to secure the attendance of such person upon the hearing of the charge.

Detention of child or young person in place of safety.

20.—(1) A constable, or any person authorised by a justice, may take to a place of safety any child or young person in respect of whom an offence under this Part of this Act, or any of the offences mentioned in the First Schedule to this Act, has been, or there is reason to believe has been, committed.

(2) A child or young person so taken to a place of safety, and also any child or young person who seeks refuge in a place of safety, may there be detained until he can be brought before a court of summary jurisdiction, and that court may make such order as is mentioned in the next following subsection, or may cause the child or young person to be dealt with as circumstances may admit and require, until the charge made against any person in respect of any offence as aforesaid with regard to the child or young person has been determined by the conviction or discharge of such person.

(3) Where it appears to a court of summary jurisdiction or any justice that an offence under this Part of this Act, or any of the offences mentioned in the First Schedule to this Act, has been committed in respect of any child or young person who is brought before the court or justice, and that it is expedient in the interests of the child or young person that an order should be made under this subsection, the court or justice may, without prejudice to any other power under this Act, make such order as circumstances require for the care and detention of the child or young person until a reasonable time has elapsed for a charge to be made against some person for having committed the offence, and, if a charge is made against any person within that time, until the charge has been determined by the conviction or discharge of that person, and in case of conviction for such further time not exceeding twenty-one days as the court which convicted may direct, and any such order may be carried out notwithstanding that any person claims the custody of the child or young person.

Disposal of child or young person by order of court.

21.—(1) Where a person having the custody charge or care of a child or young person has been—

(*a*) convicted of committing in respect of such child or young person an offence under this Part of this Act or any of the offences mentioned in the First Schedule to this Act; or

(*b*) committed for trial for any such offence; or

(*c*) bound over to keep the peace towards such child or young person,

by any court, that court, either at the time when the person is so convicted, committed for trial, or bound over, and without requiring any new proceedings to be instituted for the purpose, or at any other time, and also any petty sessional court before which any person may bring the case, may, if satisfied on inquiry that it is expedient so to deal with the child or young person, order that the child or young person be taken out of the custody, charge, or care of the person so convicted, committed for trial, or bound over, and be committed to the care of a relative of the child or young person, or some other fit person, named by the court (such relative or other person being willing to undertake such care), until he attains the age of sixteen years, or for any shorter period, and that court or any court of like jurisdiction may of its own motion, or on the application of any person, from time to time by order renew, vary, and revoke any such order.

(2) If the child or young person has a parent or legal guardian no order shall be made under this section unless the parent or legal guardian has been convicted of or committed for trial for the offence, or is under committal for trial for having been, or has been proved to the satisfaction of the court making the order to have been, party or privy to the offence, or has been bound over to keep the peace towards the child or young person, or cannot be found.

(3) Every order under this section shall be in writing, and any such order may be made by the court in the absence of the child or young person; and the consent of any person to undertake the care of a child or young person in pursuance of any such order shall be proved in such manner as the court may think sufficient to bind him.

(4) Where an order is made under this section in respect of a person who has been committed for trial, then, if that person is acquitted of the charge, or if the charge is dismissed for want of prosecution, the order shall forthwith be void, except with regard to anything that may have been lawfully done under it.

(5) The Secretary of State may at any time in his discretion discharge a child or young person from the care of any person to whose care he is committed in pursuance of this section, either absolutely or on such conditions as the Secretary of State approves, and may, if he thinks fit, make rules in relation to children or young persons so committed to the care of any

person, and to the duties of such persons with respect to such children or young persons.

(6) The Secretary of State, in any case where it appears to him to be for the benefit of a child or young person who has been committed to the care of any person in pursuance of this section, may empower such person to procure the emigration of the child or young person, but, except with such authority, no person to whose care a child or young person is so committed shall procure his emigration.

(7) Nothing in this section shall be construed as preventing the court, instead of making an order as respects a child under this section, from ordering the child to be sent to an industrial school in any case in which the court is authorised to do so under Part IV. of this Act.

Maintenance of child or young person when committed to care of any person under order of court.

22.—(1) Any person to whose care a child or young person is committed under this Part of this Act shall, whilst the order is in force, have the like control over the child or young person as if he were his parent, and shall be responsible for his maintenance, and the child or young person shall continue in the care of such person, notwithstanding that he is claimed by his parent or any other person, and if any person—

(*a*) knowingly assists or induces, directly or indirectly, a child or young person to escape from the person to whose care he is so committed; or

(*b*) knowingly harbours, conceals, or prevents from returning to such person, a child or young person who has so escaped, or knowingly assists in so doing;

he shall on summary conviction be liable to a fine not exceeding twenty pounds or to be imprisoned, with or without hard labour, for any term not exceeding two months.

(2) Any court having power so to commit a child or young person shall have power to make the like orders on the parent of or other person liable to maintain the child or young person to contribute to his maintenance during such period as aforesaid, and such orders shall be enforceable in like manner as if the child or young person were ordered to be sent to a certified school under Part IV. of this Act, but the limit on the amount of the weekly sum which the parent or such other person may be required under this section to contribute shall be one pound a week instead of the limit fixed under Part IV.

(3) Any such order may be made on the complaint or application of the person to whose care the child or young person is for the time being committed, and either at the time when the order for the committal of the child or young person to his care is made, or subsequently, and the sums contributed by the parent or such other person shall be paid to such person as the court may name, and be applied for the maintenance of the child or young person.

(4) Where an order under this Part of this Act to commit a child or young person to the care of some relative or other

person is made in respect of a person who has been committed for trial for an offence, the court shall not have power to make an order under this section on the parent or other person liable to maintain the child or young person prior to the trial of the person so committed.

(5) Any court making an order under this section for contribution by a parent or such other person may in any case where there is any pension or income payable to such parent or other person and capable of being attached, after giving the person by whom the pension or income is payable an opportunity of being heard, further order that such part as the court may see fit of the pension or income be attached and be paid to the person named by the court. Such further order shall be an authority to the person by whom such pension or other income is payable to make the payment so ordered, and the receipt of the person to whom the payment is ordered to be made shall be a good discharge to such first-mentioned person.

(6) An order under this section may be made by any court before which a person is charged with an offence under this Part of this Act, and without regard to the place in which the person to whom the payment is ordered to be made may reside.

Religious persuasion of person to whom child or young person is committed.

23.—(1) In determining on the person to whose care the child or young person shall be committed under this Part of this Act, the court shall endeavour to ascertain the religious persuasion to which the child or young person belongs, and shall, if possible, select a person of the same religious persuasion, or a person who gives such undertaking as seems to the court sufficient that the child or young person shall be brought up in accordance with its own religious persuasion, and such religious persuasion shall be specified in the order.

(2) In any case where the child or young person has been placed pursuant to any such order with a person who is not of the same religious persuasion as that to which the child or young person belongs, or who has not given such undertaking as aforesaid, the court which made the order, or any court of like jurisdiction, shall, on the application of any person in that behalf, and on its appearing that a fit person, who is of the same religious persuasion, or who will give such undertaking as aforesaid, is willing to undertake the care of the child or young person, make an order to secure his being placed with a person who either is of the same religious persuasion or gives such undertaking as aforesaid.

(3) Where a child or young person has been placed with a person who gives such undertaking as aforesaid, and the undertaking is not observed, the child or young person shall be deemed to have been placed with a person not of the same religious persuasion as that to which the child belongs, as if no such undertaking had been given.

Warrant to search for or remove a child

24.—(1) If it appears to a justice on information on oath laid by any person who, in the opinion of the justice, is acting

or young person.

in the interests of a child or young person, that there is reasonable cause to suspect—

(*a*) that the child or young person has been or is being assaulted, ill-treated, or neglected in any place within the jurisdiction of the justice, in a manner likely to cause the child or young person unnecessary suffering, or to be injurious to his health; or

(*b*) that an offence under this Part of this Act, or any offence mentioned in the First Schedule to this Act, has been or is being committed in respect of the child or young person,

the justice may issue a warrant authorising any constable named therein to search for such child or young person, and, if it is found that he has been or is being assaulted, ill-treated, or neglected in manner aforesaid, or that any such offence as aforesaid has been or is being committed in respect of the child or young person, to take him to and detain him in a place of safety, until he can be brought before a court of summary jurisdiction, or authorising any constable to remove the child or young person with or without search to a place of safety and detain him there until he can be brought before a court of summary jurisdiction; and the court before whom the child or young person is brought may commit him to the care of a relative or other fit person in like manner as if the person in whose care he was had been committed for trial for an offence under this Part of this Act.

(2) A justice issuing a warrant under this section may by the same warrant cause any person accused of any offence in respect of the child or young person to be apprehended and brought before a court of summary jurisdiction, and proceedings to be taken against such person according to law.

(3) Any constable authorised by warrant under this section to search for any child or young person, or to remove any child or young person with or without search, may enter (if need be by force) any house, building, or other place specified in the warrant, and may remove the child or young person therefrom.

(4) Every warrant issued under this section shall be addressed to and executed by a constable, who shall be accompanied by the person laying the information, if such person so desire, unless the justice by whom the warrant is issued otherwise directs, and may also, if the justice by whom the warrant is issued so directs, be accompanied by a duly qualified medical practitioner.

(5) It shall not be necessary in any information or warrant under this section to name the child or young person.

Visitation of homes.

25.—(1) The Secretary of State may cause any institution for the reception of poor children or young persons supported wholly or partly by voluntary contributions, and not liable to be inspected by or under the authority of any Government depart-

ment, to be visited and inspected from time to time by persons appointed by him for the purpose, and the Secretary of State, with the consent of any society or body corporate established for the reception or protection of poor children or the prevention of cruelty to children may, subject to such conditions as the Secretary of State may prescribe, appoint officers of the society or body corporate for the purpose.

(2) Any person so appointed shall have power to enter the institution, and any person who obstructs him in the execution of his duties shall be liable on summary conviction to a fine not exceeding five pounds, and a refusal to allow any person so appointed to enter the institution shall, for the purposes of the provisions of this Part of this Act relating to search warrants, be deemed to be a reasonable cause to suspect that an offence under this Part of this Act is being committed in respect of a child or young person in the institution.

(3) Where any such institution is carried on in accordance with the principles of any particular religious denomination, the Secretary of State shall, if so desired by the managers of the institution, appoint, where practicable, a person of that denomination to visit and inspect the institution.

(4) Where any such institution is for the reception of girls only, the Secretary of State shall, if so desired by the managers of the institution, appoint, where practicable, a woman to visit and inspect the institution.

(5) Any appointment made under this section may at any time be revoked by the Secretary of State.

Power as to Habitual Drunkards.

Power as to habitual drunkards.

26. Where it appears to the court by or before which any person is convicted of an offence of cruelty, or of any of the offences mentioned in the First Schedule to this Act, that that person is a parent of the child or young person in respect of whom the offence was committed, or is living with the parent of the child or young person, and is a habitual drunkard within the meaning of the Inebriates Acts, 1879 to 1900, the court, in lieu of sentencing that person to imprisonment, may, if it thinks fit, make an order for his detention in a retreat under the said Acts, the licensee of which is willing to receive him, for any period named in the order, not exceeding two years, and the order shall have the like effect, and copies thereof shall be sent to the local authority and Secretary of State in like manner, as if it were an application duly made by that person and duly attested by a justice under the said Acts; and the court may order an officer of the court or constable to remove that person to the retreat, and on his reception the said Acts shall have effect as if he had been admitted in pursuance of an application so made and attested as aforesaid: Provided that—

42 & 43 Vict. c. 19. 51 & 52 Vict. c. 19.

(*a*) an order for the detention of a person in a retreat shall not be made under this section unless that person, having had such notice as the court deems sufficient of the intention to allege habitual drunkenness, consents to the order being made; and

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(*b*) if the wife or husband of such person, being present at the hearing of the charge, objects to the order being made, the court shall, before making the order, take into consideration any representation made to it by the wife or husband; and

(*c*) before making the order the court shall, to such extent as it may deem reasonably sufficient, be satisfied that provision will be made for defraying the expenses of such person during detention in a retreat; and

(*d*) nothing in this section shall affect any power of the court to order the person convicted to be detained in a certified inebriate reformatory.

Evidence and Procedure.

Evidence of accused person.

61 & 62 Vict. c. 36.

57 & 58 Vict. c. 41.

27. As respects proceedings against any person for an offence under this Part of this Act, or for any of the offences mentioned in the First Schedule to this Act, the Criminal Evidence Act, 1898, shall apply as if in the schedule to that Act a reference to this Part of this Act and to the First Schedule to this Act were substituted for the reference to the Prevention of Cruelty to Children Act, 1894.

Extension of power to take deposition of child or young person.

28.—(1) Where a justice is satisfied by the evidence of a duly qualified medical practitioner that the attendance before a court of any child or young person, in respect of whom an offence under this Part of this Act, or any of the offences mentioned in the First Schedule to this Act, is alleged to have been committed, would involve serious danger to the life or health of the child or young person, the justice may take in writing the deposition of the child or young person on oath, and shall thereupon subscribe the deposition and add thereto a statement of his reason for taking the deposition, and of the day when and place where the deposition was taken, and of the names of the persons (if any) present at the taking thereof.

(2) The justice taking any such deposition shall transmit it with his statement—

(*a*) if the deposition relates to an offence for which any accused person is already committed for trial, to the proper officer of the court for trial at which the accused person has been committed; and

(*b*) in any other case, to the clerk of the peace of the county or borough in which the deposition has been taken;

and the clerk of the peace to whom any such deposition is transmitted shall preserve, file, and record the deposition.

Admission of deposition of child or young person in evidence.

29. Where, on the trial of any person on indictment for an offence of cruelty, or any of the offences mentioned in the First Schedule to this Act, the court is satisfied by the evidence of a duly qualified medical practitioner that the attendance before the court of any child or young person in respect of whom the offence is alleged to have been committed would involve serious danger to the life or health of the child or young person, any deposition of the child or young person taken under

the Indictable Offences Act, 1848, or this Part of this Act, shall be admissible in evidence either for or against the accused person without further proof thereof— 11 & 12 Vict. c. 42.

(*a*) if it purports to be signed by the justice by or before whom it purports to be taken; and

(*b*) if it is proved that reasonable notice of the intention to take the deposition has been served upon the person against whom it is proposed to use it as evidence, and that that person or his counsel or solicitor had, or might have had if he had chosen to be present, an opportunity of cross-examining the child or young person making the deposition.

Evidence of child of tender years.

30. Where, in any proceeding against any person for an offence under this Part of this Act, or for any of the offences mentioned in the First Schedule to this Act, the child in respect of whom the offence is charged to have been committed, or any other child of tender years who is tendered as a witness, does not in the opinion of the court understand the nature of an oath, the evidence of that child may be received, though not given upon oath, if, in the opinion of the court, the child is possessed of sufficient intelligence to justify the reception of the evidence, and understands the duty of speaking the truth; and the evidence of the child, though not given on oath, but otherwise taken and reduced into writing in accordance with the provisions of section seventeen of the Indictable Offences Act, 1848, or of this Part of this Act, shall be deemed to be a deposition within the meaning of that section and that Part respectively: 11 & 12 Vict. c. 42.

Provided that—

(*a*) A person shall not be liable to be convicted of the offence unless the testimony admitted by virtue of this section and given on behalf of the prosecution is corroborated by some other material evidence in support thereof implicating the accused; and

(*b*) Any child, whose evidence is received as aforesaid and who wilfully gives false evidence under such circumstances that, if the evidence had been given on oath, he would have been guilty of perjury, shall, subject to the provisions of this Act, be liable on summary conviction to be adjudged such punishment as might have been awarded had he been charged with perjury and the case dealt with summarily under section ten of the Summary Jurisdiction Act, 1879. 42 & 43 Vict. c. 49.

Power to proceed with case in absence of child or young person.

31. Where in any proceedings with relation to an offence under this Part of this Act, or any of the offences mentioned in the First Schedule to this Act, the court is satisfied that the attendance before the court of any child or young person in respect of whom the offence is alleged to have been committed is not essential to the just hearing of the case, the case may be

proceeded with and determined in the absence of the child or young person.

Mode of charging offences and limitation of time.

32.—(1) Where a person is charged with committing an offence under this Part of this Act, or any of the offences mentioned in the First Schedule to this Act, in respect of two or more children or young persons, the same information or summons may charge the offence in respect of all or any of them, but the person charged shall not be liable to a separate penalty for each child or young person except upon separate informations.

(2) The same information or summons may also charge any person as having the custody, charge, or care, alternatively or together, and may charge him with the offences of assault, ill-treatment, neglect, abandonment, or exposure, together or separately, and may charge him with committing all or any of these offences in a manner likely to cause unnecessary suffering or injury to health, alternatively or together, but when those offences are charged together the person charged shall not be liable to a separate penalty for each.

(3) A person shall not be summarily convicted of an offence under this Part of this Act, or of an offence mentioned in the First Schedule to this Act, unless the offence was wholly or partly committed within six months before the information was laid; but, subject as aforesaid, evidence may be taken of acts constituting, or contributing to constitute, the offence, and committed at any previous time.

(4) When an offence under this Part of this Act, or any offence mentioned in the First Schedule to this Act, charged against any person is a continuous offence, it shall not be necessary to specify in the information, summons, or indictment, the date of the acts constituting the offence.

Appeal from summary conviction to quarter sessions.

33. When, in pursuance of this Part of this Act, any person is convicted by a court of summary jurisdiction of an offence, or when in the case of any application to a court of summary jurisdiction under this Part of this Act for an order committing a child or young person to the care of any person, or for an order for contribution to the maintenance of a child or young person, any party thereto thinks himself aggrieved by any order or decision of the court, he may appeal against such a conviction, or order, or decision to quarter sessions.

Institution of proceedings by guardians, &c.

34.—(1) A board of guardians may institute any proceedings under this Part of this Act for any offence in relation to a child or young person and may, out of their common fund, pay the reasonable costs and expenses of any proceedings so instituted by them.

(2) The like powers of instituting proceedings may, in London, be also exercised by a local authority for the purposes of Part I. of this Act, and the expenses of such proceedings shall be defrayed as expenses of the authority under Part I.

Supplemental.

Application of Vexatious Indictments Act, 22 & 23 Vict. c. 17.

35. Every misdemeanor under this Part of this Act shall be deemed to be an offence within, and subject to, the provisions of the Vexatious Indictments Act, 1859, and any Act amending that Act.

Extension of section ten of 42 & 43 Vict. c. 54.

36. Section ten of the Poor Law Act, 1879, shall be amended so as to include in it as one of the associations or societies to which a board of guardians may, with the consent of the Local Government Board, subscribe, any society or body corporate for the prevention of cruelty to children.

Right of parent, &c. to administer punishment.

37. Nothing in this Part of this Act shall be construed to take away or affect the right of any parent, teacher, or other person having the lawful control or charge of a child or young person to administer punishment to such child or young person.

Interpretation of Part II.

38.—(1) In this Part of this Act, unless the context otherwise requires, the expression "fit person," in relation to the care of any child or young person, includes any society or body corporate established for the reception or protection of poor children or the prevention of cruelty to children.

(2) For the purposes of this Part of this Act—

Any person who is the parent or legal guardian of a child or young person or who is legally liable to maintain a child or young person shall be presumed to have the custody of the child or young person, and as between father and mother the father shall not be deemed to have ceased to have the custody of the child or young person by reason only that he has deserted, or otherwise does not reside with, the mother and child or young person; and

Any person to whose charge a child or young person is committed by any person who has the custody of the child or young person shall be presumed to have charge of the child or young person; and

Any other person having actual possession or control of a child or young person shall be presumed to have the care of the child or young person.

(3) This Part of this Act shall apply in the case of a child or young person who has before the commencement of this Act been committed to the care of a relative or other fit person by an order made under the Prevention of Cruelty to Children Act, 1904, as if the order had been made under this Part of this Act.

Part III.

Juvenile Smoking.

Penalty on selling tobacco to children and young persons.

39. If any person sells to a person apparently under the age of sixteen years any cigarettes or cigarette papers, whether for his own use or not, he shall be liable, on summary conviction, in the case of a first offence to a fine not exceeding two pounds,

and in the case of a second offence to a fine not exceeding five pounds, and in the case of a third or subsequent offence to a fine not exceeding ten pounds.

Forfeiture of tobacco.

40. It shall be the duty of a constable and of a park keeper, being in uniform, to seize any cigarettes or cigarette papers in the possession of any person apparently under the age of sixteen whom he finds smoking in any street or public place, and any cigarettes or cigarette papers so seized shall be disposed of, if seized by a constable in such manner as the police authority may direct, and if seized by a park keeper in such manner as the authority or person by whom he was appointed may direct, and such constable or park keeper shall be authorised to search any boy so found smoking, but not a girl.

Provisions as to automatic machines for the sale of tobacco.

41.—(1) If on complaint to a court of summary jurisdiction it is proved to the satisfaction of the court that any automatic machine for the sale of cigarettes kept on any premises is being extensively used by children or young persons, the court may order the owner of the machine or the person on whose premises the machine is kept to take such precautions to prevent the machine being so used as may be specified in the order, or, if necessary, to remove the machine, within such time as may be specified in the order. Provided that any person aggrieved by such an order may appeal against it to a court of quarter sessions.

(2) If any person against whom any such order has been made fails to comply with the order, he shall be liable on summary conviction to a fine not exceeding five pounds, and to a further fine not exceeding one pound for each day during which the offence continues.

Exemption for persons employed in trade, &c.

42. The provisions of this Part of this Act which make it an offence to sell cigarettes or cigarette papers, and which authorise the seizure of cigarettes and cigarette papers, shall not apply where the person to whom the cigarettes or cigarette papers are sold, or in whose possession they are found, was at the time employed by a manufacturer of or dealer in tobacco, either wholesale or retail, for the purposes of his business, or was a boy messenger in uniform in the employment of a messenger company and employed as such at the time.

Application of Part III.

43.—(1) For the purposes of this Part of this Act the expression "cigarette" includes cut tobacco rolled up in paper, tobacco leaf, or other material in such form as to be capable of immediate use for smoking.

(2) This Part of this Act shall apply to tobacco other than cigarettes in like manner as it applies to cigarettes, except that a person shall not be guilty of an offence for selling such other tobacco to a person apparently under the age of sixteen years if he did not know, and had no reason to believe, that it was for the use of that person.

(3) This Part of this Act shall apply to smoking mixtures intended as a substitute for tobacco in like manner as it applies to cigarettes.

Part IV.

Reformatory and Industrial Schools.

Interpretation.

Definitions.

44.—(1) For the purposes of this Part of this Act unless the context otherwise requires—

The expression "reformatory school" means a school for the industrial training of youthful offenders, in which youthful offenders are lodged, clothed, and fed, as well as taught;

The expression "industrial school" means a school for the industrial training of children, in which children are lodged, clothed, and fed, as well as taught;

The expression "certified school" means a reformatory or industrial school which is certified in accordance with the provisions of this Part of this Act;

The expression "attendance order" means an attendance order made in pursuance of the Elementary Education Act, 1876; 39 & 40 Vict. c. 79.

The expression "child," used in reference to a child ordered to be sent to a certified industrial school or to be transferred from a certified reformatory to a certified industrial school, applies to that child during the whole period of detention, whether in the industrial school or out on licence, notwithstanding that the child attains the age of fourteen years before the expiration of that period, and, when used in reference to proceedings for the purpose of enforcing an attendance order, includes any person who, by virtue of any enactment, is deemed to be a child for the purposes of the Education Acts, 1870 to 1907.

(2) The persons for the time being having the management or control of a school shall be deemed the managers thereof for the purposes of this Part of this Act.

Certification and Inspection of Schools.

Certification of school.

45.—(1) The Secretary of State may upon the application of the managers of any reformatory or industrial school direct the chief inspector of reformatory and industrial schools herein-after mentioned to examine into the condition and regulations of the school and its fitness for the reception of youthful offenders or children to be sent there under this Part of this Act, and to report to him thereon.

(2) The Secretary of State, if satisfied with the report of the inspector, may certify that the school is fit for the reception of youthful offenders or children to be sent there in pursuance of this Part of this Act.

Inspection of certified schools.

46.—(1) The Secretary of State may appoint a chief inspector of reformatory and industrial schools, and such number of inspectors and assistant inspectors as the Treasury may approve to assist the chief inspector; and every person so appointed to assist the chief inspector shall have such of the powers and duties of the chief inspector as the Secretary of State directs but shall act under the direction of the chief inspector.

(2) The chief and other inspectors shall receive such remuneration and allowances out of money provided by Parliament as the Secretary of State, with the consent of the Treasury, may direct.

(3) Every certified school shall, at least once in every year, be inspected by the chief inspector of reformatory and industrial schools, or by an inspector or assistant inspector.

Power of Secretary of State to withdraw certificate.

47. The Secretary of State, if dissatisfied with the condition, rules, management, or superintendence of a certified school, may at any time by notice served on the managers of the school declare that the certificate of the school is withdrawn as from a time specified in the notice, being not less than six months after the date of the notice; and at that time the withdrawal of the certificate shall take effect, and the school shall cease to be a certified school:

Provided that the Secretary of State may, if he thinks fit, instead of so withdrawing the certificate, by notice served on the managers of the school, prohibit the admission of youthful offenders or children to the school for such time as may be specified in the notice or until the notice is revoked.

Resignation of certificate by managers.

48. The managers of a certified school may, on giving six months', and the executors or administrators of a deceased manager (if only one) of a certified school may, on giving one month's, notice in writing to the Secretary of State of their intention so to do, resign the certificate for the school, and, accordingly, at the expiration of six months or one month (as the case may be) from the date of the notice (unless before that time the notice is withdrawn), the resignation of the certificate shall take effect, and the school shall cease to be a certified school.

Effect of withdrawal or resignation of certificate.

49. A youthful offender or child shall not be received into a certified school in pursuance of this Part of this Act after the date of the receipt by the managers of the school of a notice of withdrawal of the certificate for the school or after the date of a notice of resignation of the certificate; but the obligation hereinafter mentioned of the managers to teach, train, lodge, clothe, and feed any youthful offenders or children detained in the school at the respective dates aforesaid shall, except so far as the Secretary of State otherwise directs, continue until the withdrawal or resignation of the certificate takes effect, or until the discontinuance of the contribution out of money provided by Parliament towards the expenses of the offenders and children detained in the school, whichever may first happen.

Disposal of inmates on withdrawal or resignation of certificate.

50. Where a school ceases to be a certified school the youthful offenders or children detained therein shall be by order of the Secretary of State either discharged or transferred to some other certified school in accordance with the provisions of this Part of this Act relating to discharge and transfer.

Auxiliary homes.

51. Where the managers of a certified school, or the managers of two or more certified reformatory schools or of two or more certified industrial schools, propose to establish an auxiliary home for the reception of any inmates or any classes of inmates of the school or schools, or to utilize for any such purpose an institution already in existence or about to be established by any other persons, the Secretary of State may, on the like application and report as is required in the case of the schools themselves, certify the home or institution, and the certificate may be withdrawn and resigned in like manner as a certificate of a school, but whilst the home or institution remains certified it shall for such purposes as are specified in the certificate be treated as part of the school or schools to which it is attached.

Duties and Powers of Managers.

Liabilities of managers.

52. The managers of a certified school may decline to receive any youthful offender or child proposed to be sent to them in pursuance of this Part of this Act, but when they have once accepted any such offender or child they shall be deemed to have undertaken to teach, train, lodge, clothe, and feed him during the whole period for which he is liable to be detained in the school, or until the withdrawal or resignation of the certificate for the school, or until the discontinuance of the contribution out of money provided by Parliament towards the expenses of the offenders or children detained in the school, whichever may first happen.

Boarding out of children.

53. The managers of a certified industrial school to which a child under the age of eight years is sent may, with the consent of the Secretary of State, board the child out with any suitable person until the child reaches the age of ten years and thereafter for such longer period, with the consent of the Secretary of State, as the managers consider to be advisable in the interests of the child, subject to the exercise by the managers of such powers as to supervision, recall, and otherwise as may be prescribed by regulations made by the Secretary of State; and where a child is so boarded out he shall nevertheless be deemed for the purposes of this Part of this Act to be a child detained in the school, and the provisions of this Part of this Act shall apply accordingly, subject to such necessary adaptations as may be made by Order in Council.

Power to make rules.

54. The managers of a certified school may at any time, and shall whenever so required by the Secretary of State, make rules for the management and discipline of the school, but the rules so

made shall in all cases be subject to approval by the Secretary of State.

Approval of alterations, &c. of buildings.

55. No substantial addition to or alteration in the buildings of a certified school shall be made without the approval in writing of the Secretary of State.

Schemes for superannuation of officers.

56.—(1) The managers of any certified school may establish, or join with the managers of one or more other certified schools in establishing, a scheme for the payment of superannuation allowances to officers of the school or schools who become incapable of discharging the duties of their offices with efficiency by reason of permanent infirmity of mind or body, or of old age, upon their resigning or otherwise ceasing to hold their offices:

Provided that the scheme shall not provide for payment of any superannuation allowance in any case in which such an allowance would not be payable under the Superannuation (Metropolis) Act, 1866, or in excess of the amount of any superannuation allowance which would be payable under that Act, in similar circumstances.

29 & 30 Vict. c. 31.

(2) The scheme may also provide for the payment under any circumstances under which a gratuity may be paid under the Superannuation (Metropolis) Act, 1866, of a gratuity not exceeding such an amount as is authorised by that Act.

(3) The expenses incurred by the managers of any such school under any such scheme shall be treated as part of the expenses of the management of the school.

Mode of sending Offenders and Children to Reformatory and Industrial Schools and their Treatment therein.

Commitment of offenders between twelve and sixteen years of age to reformatory schools.

57.—(1) Where a youthful offender, who in the opinion of the court before which he is charged is twelve years of age or upwards but less than sixteen years of age, is convicted, whether on indictment or by a petty sessional court, of an offence punishable in the case of an adult with penal servitude or imprisonment, the court may, in addition to or in lieu of sentencing him according to law to any other punishment, order that he be sent to a certified reformatory school:

Provided that where the offender is ordered to be sent to a certified reformatory school he shall not in addition be sentenced to imprisonment.

(2) Where such an order has been made in respect of a youthful offender of the age of fourteen years or upwards, and no certified reformatory school can be found the managers of which are willing to receive him, the Secretary of State may order the offender to be brought before the court which made the order or any court having the like jurisdiction, and that court may in lieu of the detention order make such order or pass such sentence as the court may determine, so however that the order or sentence shall be such as might have been originally made or passed in respect of the offence.

Children liable to be sent to industrial schools.

58.—(1) Any person may bring before a petty sessional court any person apparently under the age of fourteen years who—

(*a*) is found begging or receiving alms (whether or not there is any pretence of singing, playing, performing, offering anything for sale, or otherwise), or being in any street premises or place for the purpose of so begging or receiving alms; or

(*b*) is found wandering and not having any home or settled place of abode, or visible means of subsistence, or is found wandering and having no parent or guardian, or a parent or guardian who does not exercise proper guardianship; or

(*c*) is found destitute, not being an orphan and having both parents or his surviving parent, or in the case of an illegitimate child his mother, undergoing penal servitude or imprisonment; or

(*d*) is under the care of a parent or guardian who, by reason of criminal or drunken habits, is unfit to have the care of the child; or

(*e*) is the daughter, whether legitimate or illegitimate, of a father who has been convicted of an offence under section four or section five of the Criminal Law Amendment Act, 1885, in respect of any of his daughters, whether legitimate or illegitimate; or 48 & 49 Vict. c. 69.

(*f*) frequents the company of any reputed thief, or of any common or reputed prostitute; or

(*g*) is lodging or residing in a house or the part of a house used by any prostitute for the purposes of prostitution, or is otherwise living in circumstances calculated to cause, encourage, or favour the seduction or prostitution of the child,

and the court before which a person is brought as coming within one of those descriptions, if satisfied on inquiry of that fact, and that it is expedient so to deal with him, may order him to be sent to a certified industrial school. Provided that a child shall not be treated as coming within the description contained in paragraph (*f*) if the only common or reputed prostitute whose company the child frequents is the mother of the child, and she exercises proper guardianship and due care to protect the child from contamination.

(2) Where a child apparently under the age of twelve years is charged before a court of assize or quarter sessions or a petty sessional court with an offence punishable in the case of an adult by penal servitude or a less punishment, the court, if satisfied on inquiry that it is expedient so to deal with the child, may order him to be sent to a certified industrial school.

(3) Where a child, apparently of the age of twelve or thirteen years, who has not previously been convicted, is charged before a petty sessional court with an offence punishable in the case of an adult by penal servitude or a less punishment, and

the court is satisfied that the child should be sent to a certified school but, having regard to the special circumstances of the case, should not be sent to a certified reformatory school, and is also satisfied that the character and antecedents of the child are such that he will not exercise an evil influence over the other children in a certified industrial school, the court may order the child to be sent to a certified industrial school, having previously ascertained that the managers are willing to receive the child:

Provided that the Secretary of State may, on the application of the managers of the industrial school, by order transfer the child to a certified reformatory school.

(4) Where the parent or guardian of a child proves to a petty sessional court that he is unable to control the child, and that he desires the child to be sent to an industrial school under this Part of this Act, the court, if satisfied on inquiry that it is expedient so to deal with the child, and that the parent or guardian understands the results which will follow, may order him to be sent to a certified industrial school:

Provided that, if the court thinks that it is expedient that the child instead of being sent to a certified industrial school should be placed under the supervision of a probation officer, the court may deal with him in like manner as, if he had been charged with an offence, the court might have dealt with him under the Probation of Offenders Act, 1907, so however that the recognisance on entering into which he is discharged shall bind him to appear for having a detention order made against him.

7 Edw. 7. c. 17.

(5) Where the guardians of a poor law union or the managers of a district poor law school satisfy a petty sessional court that any child maintained in a workhouse or district poor law school is refractory or is the child of parents either of whom has been convicted of an offence punishable with penal servitude or imprisonment, and that it is desirable that the child be sent to an industrial school under this Part of this Act, the court may, if satisfied that it is expedient so to deal with the child, order him to be sent to a certified industrial school.

(6) A petty sessional court may, on the complaint of a local education authority, made in accordance with the provisions of section twelve of the Elementary Education Act, 1876, for the purpose of enforcing an attendance order, order a child to be sent to a certified industrial school as provided in that section:

Provided that, if upon any such complaint it appears to the court that the child comes within one of the descriptions mentioned in subsection one of this section, the court may, on the application of the local education authority, proceed under that subsection and not under this subsection or section twelve of the Elementary Education Act, 1876.

(7) Where under this section a court is empowered to order a child to be sent to a certified industrial school the court, in lieu of ordering him to be so sent, may in accordance with the

provisions of Part II. of this Act, make an order for the committal of the child to the care of a relative or other fit person named by the court, and the provisions of that Part shall, so far as applicable, apply as if the order were an order under that Part.

(8) It shall be the duty of the police authority to take proceedings under subsection one of this section as respects any child in their district who appears to the authority to come within one of the descriptions mentioned in that subsection, unless—

(*a*) the case is one within the cognisance of the local education authority and that authority decide themselves to take the proceedings; or

(*b*) proceedings are being taken by some other person; or

(*c*) the police authority are satisfied that the taking of proceedings is undesirable in the interests of the child.

Power to commit young persons to care of relative or fit person in certain cases.

59. Any person may bring before a petty sessional court any person apparently of the age of fourteen or fifteen years so circumstanced that if he were a child he would come within one or other of the descriptions mentioned in subsection one of the last foregoing section, and the court, if satisfied on inquiry of that fact and that it is expedient so to deal with him, may, in accordance with the provisions of Part II. of this Act, make an order for his committal to the care of a relative or other fit person named by the court, and the provisions of that Part shall, so far as applicable, apply as if the order were an order under that Part.

Power in such cases to place young persons under supervision of probation officer.

60. Where under the provisions of this Part of this Act an order is made for the committal of a child or young person to the care of a relative or other fit person named by the court, the court may in addition to such order make an order under the Probation of Offenders Act, 1907, that the child or young person be placed under the supervision of a probation officer:

Provided that the recognizance into which the child, if not charged with an offence, or the young person is required to enter, shall bind him to appear and submit to the further order of the court.

Power to defer operation of order.

61. An order of a court ordering a youthful offender or child to be sent to and detained in a certified school (in this Act referred to as a detention order) may, if the court think fit, be made to take effect either immediately or at any later date specified therein, regard being had to the age or health of the youthful offender or child.

Choice of school.

62.—(1) The school to which a youthful offender or child is to be sent under a detention order shall be such school as may be specified in the order, being some certified school (whether situate within the jurisdiction of the court making the order or not) the managers of which are willing to receive the youthful offender or child:

Provided that, if it is found impossible to specify the school in the detention order, the school shall, subject to the provisions of this Act with respect to the determination of the place of residence of a youthful offender or child, be such as a justice having jurisdiction in the place where the court which made the order sat may by endorsement on the detention order direct.

(2) Where the court is satisfied that a youthful offender or child is, by reason of mental or physical defect, incapable of receiving proper benefit from industrial training in an ordinary certified school, but is not incapable by reason of such defect of receiving benefit from industrial training in a certified school where special provision is made for the training of youthful offenders or children suffering from such defect, the detention order (if any) shall be for detention in a school where such provision is made.

Temporary detention until sent to certified school.

63. If—

(*a*) a detention order is made but is not to take effect immediately; or,

(*b*) at the time specified for the order to take effect the youthful offender or child is unfit to be sent to a certified school; or,

(*c*) the school to which the youthful offender or child is to be sent cannot be ascertained until inquiry has been made,

the court may make an order committing him either to custody in any place to which he might be committed on remand under Part V. of this Act, or to the custody of a relative or other fit person to whose care he might be committed under Part II. of this Act, and he shall be kept in that custody accordingly until he is sent to a certified school in pursuance of the detention order.

Conveyance to school.

64.—(1) The person by whom any youthful offender or child ordered to be sent to a certified school is detained shall at the appointed time deliver him into the custody of the constable or other person responsible for his conveyance to school, who shall deliver him to the superintendent or other person in charge of the school in which he is to be detained, together with the order or other document in pursuance of which the offender or child was detained and is sent to the school.

(2) The detention order in pursuance of which the youthful offender or child is sent to a certified school shall be a sufficient authority for his conveyance to and detention in the school or any other school to which he is transferred under this Part of this Act.

Period of detention.

65. The detention order shall specify the time for which the youthful offender or child is to be detained in the school, being—

(*a*) in the case of a youthful offender sent to a reformatory school, not less than three and not more than five

years, but not in any case extending beyond the time when the youthful offender will, in the opinion of the court, attain the age of nineteen years; and

(*b*) in the case of a child sent to an industrial school, such time as to the court may seem proper for the teaching and training of the child, but not in any case extending beyond the time when the child will, in the opinion of the court, attain the age of sixteen years.

Provision as to religious persuasion.

66.—(1) The court or justice, in determining the certified school to which a youthful offender or child is to be sent, shall endeavour to ascertain the religious persuasion to which the offender or child belongs, and the detention order shall, where practicable, specify the religious persuasion to which the offender or child appears to belong, and a school conducted in accordance with that persuasion shall, where practicable, be selected.

(2) A minister of the religious persuasion specified in the order as that to which a youthful offender or child sent to a certified school appears to belong may visit the offender or child at the school on such days, at such times, and on such conditions, as may be fixed by the Secretary of State, for the purpose of affording him religious assistance and also for the purpose of instructing him in the principles of his religion.

(3) Where an order has been made for sending a youthful offender or child to a certified school which is not conducted in accordance with the religious persuasion to which the offender belongs, the parent, legal guardian, nearest adult relative, or person entitled to the custody of the offender or child may apply—

(*a*) if the detention order was made by a petty sessional court, to a petty sessional court acting in and for the place in and for which the court which made the order acted; and

(*b*) in any other case, to the Secretary of State,

to remove or send the offender or child to a certified school conducted in accordance with the offender's or child's religious persuasion, and the court or Secretary of State shall, on proof of the offender's or child's religious persuasion, comply with the request of the applicant:

Provided that—

(i) the application must be made before the offender or child has been sent to a certified school, or within thirty days after his arrival at the school; and

(ii) the applicant must show to the satisfaction of the court or Secretary of State that the managers of the school named by him are willing to receive the offender or child:

(iii) nothing in this section shall be construed as preventing any such person as aforesaid from making an application to the Secretary of State after the expiration of

the said period of thirty days to exercise the powers of transfer conferred on him by the other provisions of this Act.

Placing out on licence.

67.—(1) Where a youthful offender or child is detained in a certified school, the managers of the school may at any time, with the consent—

(*a*) in the case of a child sent to an industrial school at the instance of the local education authority, of that authority; and

(*b*) in any other case of the Secretary of State;

or after the expiration of eighteen months of the period of detention without any such consent, by licence permit the offender or child to live with any trustworthy and respectable person named in the licence willing to receive and take charge of him:

Provided that where the licence is granted in respect of a child under the age of fourteen years it shall be conditional on the child attending as a day scholar, in accordance with the byelaws in force in the place where he resides, some school named in the licence, being a certified efficient school within the meaning of the Elementary Education Act, 1876.

39 & 40 Vict. c. 79.

(2) Any licence so granted shall be in force until revoked or forfeited by the breach of any of the conditions on which it was granted.

(3) The managers of the school may at any time by order in writing revoke any such licence, and order the offender or child to return to the school.

(4) Any youthful offender or child escaping from the person with whom he is placed in pursuance of this section, or refusing to return to the school when required to do so on the revocation or forfeiture of his licence, shall be liable to the same penalty as if he had escaped from the school itself.

(5) The time during which a youthful offender or child is absent from a certified school in pursuance of a licence under this section shall be deemed to be part of the time of his detention in the school: Provided that, where a youthful offender or child has failed to return to the school on the licence being forfeited or revoked, the time which elapses after his failure so to return shall be excluded in computing the time during which he is to be detained in the school.

(6) Where a licence has been revoked or forfeited and the youthful offender or child refuses or fails to return to the school, a court of summary jurisdiction, if satisfied by information on oath that there is reasonable ground for believing that his parent or guardian could produce the youthful offender or child, may issue a summons requiring the parent or guardian to attend at the court on such day as may be specified in the summons, and to produce the child, and, if he fails to do so without reasonable excuse, he shall, in addition to any other liability to which he may be subject under the provisions of this

Part of this Act, be liable on summary conviction to a fine not exceeding one pound.

Supervision of youthful offenders and children after the expiration of period of detention.

68.—(1) Every youthful offender sent to a certified reformatory school shall, on the expiration of the period of his detention, if that period expires before he attains the age of nineteen years, remain up to the age of nineteen under the supervision of the managers of the school.

(2) Every child sent to an industrial school shall, from the expiration of the period of his detention, remain up to the age of eighteen under the supervision of the managers of the school: Provided that this subsection shall not apply in any case where the child was ordered to be sent to an industrial school for the purpose only of enforcing an attendance order made in consequence of his parent, guardian, or other person legally liable to maintain him neglecting to provide efficient elementary instruction for him.

(3) The managers may grant to any person under their supervision a licence in the manner provided by this Part of this Act, and may revoke any such licence, and recall any such person to the school; and any person so recalled may be detained in the school for a period not exceeding three months, and may at any time be again placed out on licence: Provided that—

(*a*) a person shall not be so recalled unless the managers are of opinion that the recall is necessary for his protection; and

(*b*) the managers shall send to the chief inspector of reformatory and industrial schools an immediate notification of the recall of any person, and shall state the reasons for his recall; and

(*c*) they shall again place the person out as soon as possible, and at latest within three months after the recall, and shall forthwith notify the chief inspector that the person has been placed out.

(4) A licence granted to a youthful offender or child before the expiration of his period of detention shall, if he is liable to be under supervision in accordance with this section, continue in force after the expiration of that period, and may be revoked in manner provided by this Part of this Act.

(5) The Secretary of State may at any time order that a person under supervision under this section shall cease to be under such supervision.

(6) When a youthful offender or child is under the supervision of the managers of a certified school it shall not be lawful for his parent to exercise, as respects the youthful offender or child, his rights and powers as parent in such a manner as to interfere with the control of the managers over the youthful offender or child.

Discharge and transfer.

69.—(1) The Secretary of State may at any time order a youthful offender or a child to be discharged from a certified school, either absolutely or on such conditions as the Secretary of State approves, and may, where the order of discharge is

conditional, revoke the order on the breach of any of the conditions on which it was granted, and thereupon the youthful offender or child shall return to school, and if he fails to do so he and any person who knowingly harbours or conceals him or prevents him from returning to school shall be liable to the same penalty as if the youthful offender or child had escaped from the school.

(2) The Secretary of State may order—

(*a*) a youthful offender or child to be transferred from one certified reformatory school to another, or from one certified industrial school to another;

(*b*) a youthful offender under the age of fourteen years detained in a certified reformatory school to be transferred to a certified industrial school;

(*c*) a child over the age of twelve years detained in a certified industrial school, who is found to be exercising an evil influence over the other children in the school, to be transferred to a certified reformatory school;

so however that the whole period of the detention of the offender or child shall not be increased by the transfer.

(3) Where a youthful offender or child is detained in a certified school in one part of the United Kingdom, the central authority for that part of the United Kingdom may, subject to the provisions of this section, direct the youthful offender or child to be transferred to a certified school in another part of the United Kingdom if the central authority for that other part consents.

For the purpose of this provision "central authority" means the Secretary of State, the Secretary for Scotland, or the Chief Secretary, as the case may be.

Power to apprentice or dispose of child.

70. If any youthful offender or child detained in or placed out on licence from a certified school, or a person when under the supervision of the managers of such a school, conducts himself well, the managers of the school may, with his own consent, apprentice him to, or dispose of him in, any trade, calling, or service, including service in the Navy or Army, or by emigration, notwithstanding that his period of detention or supervision has not expired; and such apprenticing or disposition shall be as valid as if the managers were his parents:

Provided that where he is to be disposed of by emigration, and in any case unless he has been detained for twelve months, the consent of the Secretary of State shall also be required for the exercise of any power under this section.

Offences in relation to Certified Schools.

Refusal to conform to rules.

71.—(1) If a youthful offender detained in a certified reformatory school is guilty of a serious and wilful breach of the rules of the school, or of inciting other inmates of the school to such a breach, he shall be liable upon summary conviction to

have the period of his detention in the reformatory school increased by such period not exceeding six months as the court directs, or, if of the age of sixteen years or upwards, to be imprisoned, with or without hard labour, for any term not exceeding three months; and if sentenced to imprisonment he shall, at the expiration of the term thereof, by and at the expense of the managers of the school in which the offence was committed, be brought back to a certified reformatory school, there to be detained during a period equal to so much of his period of detention as remained unexpired at the time of his being sent to prison.

(2) If a child of the age of twelve years or upwards detained in a certified industrial school is guilty of a serious and wilful breach of the rules of the school, or of inciting other inmates of the school to such a breach, he shall be liable on summary conviction to be sent to a certified reformatory school, and to be there detained, subject and according to the provisions of this Part of this Act.

(3) A period of detention may be increased in pursuance of this section notwithstanding that the period as so increased will extend beyond the limits imposed by this Part of this Act.

Escaping from school.

72.—(1) If a youthful offender detained in a certified reformatory school escapes from the school, he may, at any time before the expiration of his period of detention, be apprehended without warrant, and may (any other Act to the contrary notwithstanding) be then brought before a court of summary jurisdiction having jurisdiction in the county or place where he is found, or in the county or place where the school from which he escaped is situate; and he shall be liable on summary conviction to be brought back to the reformatory school and to have the period of his detention therein increased by such period not exceeding six months as the court directs, or, if of the age of sixteen years or upwards, to be imprisoned, with or without hard labour, for any term not exceeding three months; and if sentenced to imprisonment he shall, at the expiration of the term thereof, be brought back to a certified reformatory school.

(2) If a child detained in a certified industrial school escapes from the school, he may at any time before the expiration of his period of detention be apprehended without warrant, and may (any other Act to the contrary notwithstanding) be then brought before a court of summary jurisdiction having jurisdiction in the county or place where he is found, or in the county or place where the school from which he escaped is situate; and he shall be liable, on summary conviction, to be brought back to the school from which he escaped, or, if of the age of twelve years or upwards, to be sent to a certified reformatory school and to be there detained subject and according to the provisions of this Part of this Act.

(3) In computing the time during which a youthful offender or child who, having escaped, is brought back to a certified school is thereafter liable to be detained in that school, the time

during which he was absent from school, including the time (if any) during which he was imprisoned under this section, shall not be reckoned as part of the period of detention.

(4) The expenses of bringing a youthful offender or child back to the school shall be borne by the managers of the school from which he escaped.

(5) Where the period for which a youthful offender or child, on being brought back to the school from which he escaped, is liable to be detained therein would, by virtue of this section, whether on account of any increase in the period of detention or otherwise, extend beyond the limits imposed by this Part of this Act, the youthful offender or child may notwithstanding anything in this Part of this Act be detained in the school in accordance with this section.

(6) If any person—

(*a*) knowingly assists or induces directly or indirectly an offender or child detained in or placed out on licence from a certified school to escape from the school or from any person with whom he is placed out on licence;

(*b*) knowingly harbours, conceals, or prevents from returning to school, or to any person with whom he is placed out on licence, an offender or child who has so escaped, or knowingly assists in so doing;

he shall, on summary conviction, be liable to be imprisoned for any term not exceeding two months, with or without hard labour, or to a fine not exceeding twenty pounds.

Expenses of Certified Schools.

Contributions from Treasury.

73. There shall be paid out of money provided by Parliament such sums on such conditions as the Secretary of State may, with the approval of the Treasury, recommend towards the expenses of any youthful offender or child detained in a certified school, including the expenses of removal in the case of any offender or child ordered to be transferred from one school to another and towards the expenses of disposing of any such offender or child by emigration:

Provided that the contribution shall not exceed two shillings per head per week for children detained in an industrial school on the application of their parents or guardians.

Duties and powers of local authorities with respect to the maintenance, &c. of inmates of certified schools.

74.—(1) Where a youthful offender is ordered to be sent to a certified reformatory school, it shall be the duty of the council of the county or county borough in which he resides (to be specified in the order) to provide for his reception and maintenance in a certified reformatory school suitable to the case, having regard to the requirements of this Part of this Act.

(2) Where a child is ordered to be sent to a certified industrial school, it shall be the duty of the local education authority of the

district in which he resides (to be specified in the order) to provide for his reception and maintenance in a certified industrial school suitable to the case, having regard to the requirements of this Part of this Act.

(3) For the purposes of the foregoing provisions of this section a youthful offender or child shall be presumed to reside in the place where the offence was committed, or the circumstances which rendered him liable to be sent to a certified school occurred, unless it is proved that he resided in some other place.

(4) Where the court by which the detention order is made is a court of assize or a court of quarter sessions, the court shall remit to a court of summary jurisdiction for the place where the youthful offender or child was committed for trial the determination of his place of residence.

(5) The obligation imposed under this section on a local education authority shall not apply in the case of a child sent to a certified industrial school—

(*a*) at the desire of his parent or guardian as being a child whom the parent or guardian is unable to control; or

(*b*) at the instance of the guardians of a poor law union or the managers of a district poor law school as being a refractory child, or as being the child of parents either of whom has been convicted of an offence punishable with penal servitude or imprisonment; or

(*c*) being a child who had no settled place of abode and who habitually wandered from place to place through the districts of various local education authorities; or

(*d*) in respect of whose maintenance in a certified school no contribution is paid out of moneys provided by Parliament.

But the local education authority who would but for this provision have been responsible for the maintenance of the child may, if they think fit, contribute towards his maintenance or provide for his maintenance in a certified school in any such case.

(6) An order for the detention of a child in a certified industrial school shall not be made by a petty sessional court unless the local education authority, which by virtue of the order are responsible for providing for the reception and maintenance of the child in a certified school, have been given an opportunity of being heard.

(7) Where a local authority, that is to say, as respects reformatory schools the council of a county or county borough, and as respects industrial schools a local education authority, are aggrieved by the decision of a court as to the place of residence of a youthful offender or child, they may within three months after the making of the detention order apply to a petty sessional court acting in and for the place for which the court which made the order or determined the place of residence acted, and that court, on proof to its satisfaction that the youthful offender or

child was resident in the area of another local authority, and after giving such other local authority an opportunity of being heard, may transfer the liability to maintain the youthful offender or child in a certified school to that other local authority, and may order that other authority to repay to the first-mentioned local authority any expenses incurred by them in respect of the youthful offender or child under the detention order, and an appeal shall lie from the decision of the court to a court of quarter sessions; but nothing in this provision shall affect the liability of the first-mentioned local authority under the detention order until an order has been made transferring the liability to another local authority.

(8) For the purpose of the performance of their duties under this Part of this Act, a local authority—

(*a*) may contract with the managers of any certified school for the reception and maintenance therein of youthful offenders or children for whose reception and maintenance the authority are required under this section to make provision;

(*b*) may, with the approval of the Secretary of State, undertake or combine with any other such authority in undertaking, or contribute such sums of money upon such conditions as they may think fit towards, the establishment, building, alteration, enlargement, rebuilding, or management of a certified school, or the purchase of any land required for the use of an existing certified school, or for the site of any school intended to be a certified school.

(9) A local authority may contribute towards the ultimate disposal of any inmate of a certified school for whose maintenance in such a school the authority are under this section responsible, or towards whose maintenance the authority have voluntarily contributed.

(10) The local authority responsible for the maintenance of a youthful offender or child in a certified school under this section shall continue responsible for his maintenance in the event of his transfer to another certified school, notwithstanding that having been originally ordered to be sent to a reformatory school he is subsequently transferred to an industrial school, or having been originally ordered to be sent to an industrial school he is subsequently transferred to or ordered by a court to be sent to a reformatory school:

Provided that, before any such youthful offender or child is ordered to be transferred from one school to another, notice shall be given to the local authority responsible for his maintenance, and that authority shall be given an opportunity of making representations to the Secretary of State with respect thereto.

(11) Where a child has been ordered to be sent to a certified industrial school at the instance of the guardians of a poor law union or the managers of a district poor law school as refractory, or as the child of parents either of whom has been convicted of

an offence punishable with penal servitude or imprisonment, the guardians or managers shall contribute towards the maintenance of the child in a certified industrial school such sums as may be agreed upon between them and the managers of the certified school to which the child is ordered to be sent, or in default of agreement as may be fixed by the Secretary of State.

(12) Land may be acquired by a local authority for the purposes of this Part of this Act—

(*a*) as respects reformatory schools, under and in accordance with the Local Government Act, 1888, in the case of the council of a county, and as for the purposes of the Public Health Acts in the case of the council of a county borough; 51 & 52 Vict. c. 41.

(*b*) as respects industrial schools, as for the purposes of the Education Acts, 1870 to 1907.

(13) The expenses incurred by a local authority under this Part of this Act shall be defrayed—

(*a*) as respects reformatory schools, as expenses for general county purposes in the case of the council of a county, and out of the borough fund or borough rate in the case of the council of a county borough;

(*b*) as respects industrial schools, as expenses incurred for the purposes of elementary education.

(14) Money may be borrowed by a local authority for the purposes of defraying or contributing towards the expenses of establishing, building, altering, enlarging, rebuilding, or purchasing land for the use or site of—

(*a*) a reformatory school, under and in accordance with the Local Government Act, 1888, in the case of the council of a county, and under and in accordance with the Municipal Corporations Act, 1882, in the case of a council of a county borough;

(*b*) an industrial school, under and in accordance with the Education Acts, 1870 to 1907:

Provided that the maximum period within which money so borrowed is to be repaid shall be sixty years.

(15) Where two or more local education authorities, with the approval of the Secretary of State, agree to combine for any of the purposes of this section, the agreement may provide for the appointment of a joint body of managers, and for the apportionment of the contributions to be paid by each authority and any other matters which, in the opinion of the Secretary of State, are necessary for carrying out the agreement, and the expenses of any such joint body of managers shall be paid in the proportions specified in the agreement by each of the authorities, and their receipts and payments shall be audited in manner provided by section six of the Education (Administrative Provisions) Act, 1907. 7 Edw. 7. c. 43.

(16) For the purpose of obtaining the approval of the Secretary of State where required by this section, there shall be

forwarded to the Secretary of State particulars of the proposed establishment or purchase, and a plan of the proposed alteration, enlargement, rebuilding, or building drawn on such scale and accompanied by such particulars and estimate of cost as the Secretary of State thinks fit to require, and the Secretary of State may approve the plan and particulars submitted to him, with or without modification, or may disapprove them.

(17) Where before the commencement of this Act a county council have, in their capacity of county council, established an industrial school, the school shall become the property of the county council in their capacity of local education authority, and such adjustments as may be required for the purpose shall be made between the county council and the local education authorities within the county (including the county council in their capacity of local education authority), and section sixty-eight of the Local Government Act, 1894, shall apply to such adjustments in like manner as it applies to adjustments required for the purposes of that Act.

56 & 57 Vict. c. 73.

(18) As respects the city of London the Common Council shall, notwithstanding anything in this section, be the local authority liable for providing for the reception and maintenance in a certified reformatory school of a youthful offender committed by a petty sessional court acting in and for the city:

Provided that nothing in this provision shall exempt the city of London from contributing towards the expenses incurred by the London County Council in respect of reformatory schools, but the London County Council shall in each year repay to the Common Council for each youthful offender maintained by that council a sum equal to the average cost to the London County Council in that year of the maintenance of a youthful offender in a reformatory school for whose maintenance the London County Council are responsible, which cost shall be ascertained in accordance with the directions of the Secretary of State.

Contributions by parents.

75.—(1) The parent, or other person liable to maintain a youthful offender or child ordered to be sent to and detained in a certified school shall, if able to do so, contribute to his maintenance therein a sum not exceeding such sum as may be declared by Order in Council to represent approximately the average cost of maintenance of youthful offenders or children in the class of school to which such school belongs in the locality in which such school is situate.

(2)—(*a*) The court by which a detention order is made shall at the time of making that order, unless it considers that it is not in possession of the necessary information; and

(*b*) any petty sessional court having jurisdiction at the place where such parent or other person resides may, on complaint being made by or at the instance of the chief inspector of reformatory and industrial schools, at any time whilst the offender or child is detained in the school;

make an order on such parent or other person for the payment to the chief inspector of such weekly sum, not exceeding such sum as aforesaid, as having regard to the ability of the parent or other person seems reasonable during the whole or any part of the time for which the offender or child is liable to be detained in the school:

Provided that the court making the detention order, if a court of assize or court of quarter sessions, may, if it thinks fit, remit the case to a court of summary jurisdiction for the place where the offender or child was committed for trial, for the purpose of making an order under this section, and upon the case being so remitted any such court of summary jurisdiction shall have power to make any such order under this section as the court which made the detention order might have made.

(3) Every such order may specify the time during which the payment is to be made, or may direct the payment to be made until further order, and shall be enforceable as an order of affiliation.

(4) Any order made under this section may, on application being made either by the person on whom the order is made or by or at the instance of the chief inspector and on fourteen days' notice of such application being given to the chief inspector or person on whom the order was made, be varied by any court which would have had power to make the order.

(5) An order made under this section shall be binding on the person on whom it is made:

Provided that if that person was not summoned to attend the sitting of the court at which the order was made, the order shall be served on him in manner prescribed by rules of court, and shall be binding on him unless he makes an application against it within the time prescribed by rules of court to the court by which the order was made or any court of like jurisdiction on the ground either that he is not liable to maintain the offender or child, or that he is unable to contribute the sum specified in the order, and on any such application being made the court may confirm the order with or without modifications or may rescind it.

(6) Where a parent or other person has been ordered under this section to contribute to the maintenance of a youthful offender or child, he shall give notice of any change of address to the chief inspector of reformatory and industrial schools, and, if he fails to do so without reasonable excuse, he shall be liable on summary conviction to a fine not exceeding two pounds.

(7) All sums received under this section shall be paid into the Exchequer, but, if the amount received in respect of any child in an industrial school exceeds the contribution from the Treasury in respect of that child, the excess shall be paid to the managers of the school and shall not be paid into the Exchequer.

(8) The Secretary of State may in his discretion remit wholly or partially any payment ordered to be made under this section.

(9) It shall be the duty of a constable, if so required by the chief inspector of reformatory and industrial schools, to take proceedings under this section on behalf of the chief inspector.

(10) Where there is some person, other than the parent, liable to maintain a youthful offender or child, an order under this section may be made on that person notwithstanding that there may be also a parent.

(11) Any court making an order under this section for contribution by a parent or other such person may, in any case where there is any pension or income payable to such parent or other person and capable of being attached, after giving the person by whom the pension or income is payable an opportunity of being heard, further order that such part as the court may see fit of the pension or income be attached and be paid to the person named by the court. Such further order shall be an authority to the person by whom such pension or other income is payable to make the payment so ordered, and the receipt of the person to whom the payment is ordered to be made shall be a good discharge to such first-named person.

Expenses of conveyance and clothing.

76.—(1) The expense of conveying to any certified reformatory school any youthful offender who has been directed to be detained in such a school, and the expense of proper clothing for him requisite for his admission to the school, shall be defrayed out of moneys provided by Parliament.

(2) The expense of conveying to a certified industrial school a child ordered to be sent there shall be defrayed by the police authority by whom he is conveyed, and shall be deemed part of the current expenses of that authority:

Provided that, where a child is committed to a certified industrial school at the instance of a local education authority, the authority may pay the expenses of and incidental to the conveyance of the child to and from the school, and the sending of the child out on licence or bringing back the child on the revocation or forfeiture of a licence.

Day Industrial Schools.

Establishment, &c. of day industrial schools.

77.—(1) If the Secretary of State is satisfied that, owing to the circumstances of any class of population in the area of any local education authority, a school in which industrial training, elementary education, and one or more meals a day, but not lodging, are provided is necessary or expedient for the proper training and control of the children of that class, he may, on the like application and report as is required by this Part of this Act in the case of industrial schools, certify any such school (in this Act referred to as a day industrial school) as fit for the reception of children to be sent there in pursuance of the provisions of this Part of this Act relating to day industrial schools.

(2) A certified day industrial school shall be deemed to be a certified efficient school within the meaning of the Elementary Education Act, 1876. 39 & 40 Vict. c. 79.

(3) A school shall not at the same time be a day industrial school and a reformatory or industrial school.

(4) If the Secretary of State is of opinion that, by reason of a change of circumstances or otherwise, a certified day industrial school ceases to be necessary or expedient for the proper training and control of the children of any class of population in the neighbourhood of that school, he may, after due notice, withdraw the certificate of the school, and thereupon the school shall cease to be a certified day industrial school.

Power to send children to day industrial schools.

78.—(1) Any child authorised by this Part of this Act to be sent to a certified industrial school may, if the court before which the child is brought thinks it expedient, be sent to a certified day industrial school.

(2) Any child sent to a certified day industrial school by an order of a court (other than an attendance order) may during the period specified in the order be there detained during such hours as may be authorised by the rules of the school approved by the Secretary of State.

(3) The school must be within such distance of the residence of the child as may be prescribed by Order in Council under this Part of this Act, but need not be situate within the jurisdiction of the court making the order.

Reception of child under attendance order or without order.

79. The managers of a certified day industrial school may, upon the request of a local education authority and of the parent or guardian of, or other person legally liable to maintain, a child, and upon the undertaking of the parent, guardian, or other person to pay towards the industrial training and meals of the child such sum as a Secretary of State may authorise, receive the child into the school under an attendance order or without an order of a court.

Contributions by the Treasury.

80. There shall be paid out of money provided by Parliament towards the custody, industrial training, elementary education, and meals of children sent to a day industrial school such sums, on such conditions, as the Secretary of State, with the approval of the Treasury, may recommend:

Provided that—

(*a*) the conditions of a parliamentary contribution to a day industrial school shall provide that the education given in the school shall be on such level of efficiency as would enable the school, if a public elementary school, to obtain a parliamentary grant;

(*b*) any conditions recommended by the Secretary of State for the purposes of contributions to a day industrial school shall be laid before Parliament in the same manner as minutes of the Board of Education relating to the annual parliamentary grant.

Powers of local education authorities.

81. A local education authority shall have the same powers in relation to a certified day industrial school as they have in relation to a certified industrial school, but nothing in this Act shall be construed as imposing on any such authority an obligation to provide for the reception and maintenance of a child in a certified day industrial school.

Contributions by parents.

82.—(1) Where a court orders a child to be sent to a certified day industrial school, the court shall also order the parent of the child, or other person liable to maintain him, to contribute to his industrial training and meals in the school such sum as is named in the order, not exceeding such sum as may be declared by Order in Council to represent approximately the average cost of industrial training and meals in day industrial schools in the locality in which the school to which the child is sent is situate.

(2) It shall be the duty of the local education authority to obtain and enforce the order, and every sum paid under the order shall be paid over to the local education authority in aid of their expenses for elementary education under the Education Acts, 1870 to 1907.

(3) If a parent or other person is unable to pay the sum required by the order to be paid, he shall apply to the guardians of the poor law union comprising the parish in which the parent or other person is resident, who, if satisfied of such inability, shall give the parent or other person sufficient relief to pay the sum, or so much thereof as they consider him unable to pay.

Application to day industrial schools of provisions relating to industrial schools.

83. The provisions of this Part of this Act with respect to industrial schools shall, so far as applicable, apply to certified day industrial schools, subject to such modifications as are made therein by this Part of this Act: Provided that His Majesty may by Order in Council make such further modifications of those provisions as may appear to His Majesty to be necessary or proper for adapting those provisions to day industrial schools, and any such Order may provide that a child may be punished for an offence by being sent to a certified industrial school in lieu of a certified reformatory school, or may otherwise mitigate any punishment imposed by the provisions of this Part of this Act in relation to industrial schools.

Supplemental Provisions.

Power to send offenders conditionally pardoned to reformatory schools.

84. Where a youthful offender has been sentenced to imprisonment or penal servitude, and has been pardoned by His Majesty on condition of his placing himself under the care of some charitable institution for the reception and reformation of youthful offenders, the Secretary of State may direct him, if under the age of sixteen years, to be sent to a certified reformatory school, the managers of which consent to receive him, for a period of not less than three and not more than five years, but not in any case extending beyond the time when he will in

the opinion of the Secretary of State attain the age of nineteen years; and thereupon the offender shall be subject to all the provisions of this Part of this Act as if he had been originally sentenced to detention in a certified reformatory school.

Powers of school officers.

85. Every officer authorised by the managers of a certified school or by a local education authority to take charge of any youthful offender or child ordered to be detained under this Part of this Act for the purpose of conveying him to or from the school, or of apprehending and bringing him back to the school in case of his escape or refusal to return, shall, for that purpose and while engaged in that duty, have all the powers, protection, and privileges of a constable.

Advertisement of grant, &c. certificate.

86. A notice of the grant of a certificate to a reformatory or industrial school, or of withdrawal or resignation of such a certificate, shall within one month be advertised by order of the Secretary of State in the London Gazette.

Orders and notices.

87.—(1) An order or other act of the Secretary of State under this Part of this Act may be signified under the hand of the Secretary of State or of an under-secretary.

(2) An order or other act of the managers of a certified school under this Part of this Act may be signified under the hands of the managers or their secretary or clerk.

(3) Any notice may be served on the managers of a certified school by being delivered personally to any one of them, or by being sent by post or otherwise, in a letter addressed to them or any of them at the school, or at the usual or last known place of abode of any of the managers or of their secretary or clerk, except where the managers are a local authority, in which case any notice may be so served on the clerk of the authority.

(4) No summons issued, notice given, or order made for the purpose of carrying into effect the provisions of this Part of this Act shall be invalidated for want of form only.

(5) The Secretary of State may prescribe forms to be used for the purposes of this Part of this Act otherwise than for the purpose of legal proceedings thereunder.

Rules respecting evidence of documents.

88.—(1) The production of the London Gazette containing a notice of the grant, or of the withdrawal or resignation, of a certificate to a certified school shall be sufficient evidence of the fact of a certificate having been duly granted to the school named in the notice, or of the withdrawal or resignation of such a certificate.

(2) The grant of a certificate to a certified school may also be proved by the production of the certificate itself, or of a document purporting to be a copy of the certificate and to be attested as such by the chief inspector of reformatory and industrial schools.

(3) A certificate purporting to be signed by one of the managers of a certified school, or by their secretary or clerk, or by the superintendent or other person in charge of the school, to

the effect that the youthful offender or child therein named was duly received into, and is at the date of the signing thereof detained in, the school, or has been otherwise dealt with according to law, shall be evidence of the matters therein stated.

(4) An instrument purporting to be an order of a court under this Part of this Act and to be signed by the members of the court which made the order, or purporting to be a copy of such an order, and to be certified as such a copy by the clerk to that court, shall be evidence of the order.

(5) A copy of rules purporting to be the rules of a certified school, and to be signed by the chief inspector of reformatory and industrial schools, shall be evidence of the rules of that school.

(6) A certificate purporting to be under the hand of the chief inspector or an inspector or assistant inspector of reformatory and industrial schools, stating that any sum due from a parent or other person for the maintenance of a child or young person is overdue and unpaid, shall be evidence of the facts stated therein.

(7) A school to which any youthful offender or child is directed to be sent in pursuance of this Part of this Act shall, until the contrary is proved, be deemed to be a certified school.

Liability to removal.

89. The time during which a child is detained in a certified school under this Part of this Act shall for all purposes be excluded in the computation of time mentioned in section one of the Poor Removal Act, 1846, as amended by any subsequent enactment.

9 & 10 Vict. c. 66.

Application to schools under local Acts.

90. This Part of this Act shall apply to any reformatory or industrial school established under any local Act passed before the commencement of this Act, subject to the following modifications :—

(1) The superintendent of the school shall be substituted for the chief inspector of reformatory and industrial schools as the person to whom notice of any change of address of a parent or other person against whom a contribution order has been made is to be given :

(2) A certificate purporting to be under the hand of the superintendent or other officer of the school specially authorised by the managers for that purpose, stating that any sum due from a parent or other person for the maintenance of a youthful offender or child is overdue and unpaid, shall be evidence of the facts stated therein.

Tenure of office by certain officers and servants of the London County Council.

91. Notwithstanding the repeal by this Act of the Middlesex Industrial Schools Acts the officers and servants appointed under those Acts who became at the passing of the Local Government Act, 1888, officers and servants of the London County Council, and who held office at the passing of this Act, shall hold their offices by the same tenure and upon the same terms and conditions as if this Act had not passed,

and while performing the same duties shall receive not less salaries or remuneration, and be entitled to not less pensions (if any), than they would have if this Act had not passed.

Application of Part IV.

92. The provisions of this Part of this Act with respect to youthful offenders and children detained in certified schools, except such as impose obligations on local authorities with respect to their maintenance, shall apply to youthful offenders and children detained in certified schools at the commencement of this Act in pursuance of any enactment repealed by this Act in like manner as if they were so detained in pursuance of this Act, but nothing in this Act shall affect any obligation undertaken by, or liability imposed on, any local authority before the commencement of this Act with respect to any such youthful offender or child, or prevent any local authority from continuing to make any contribution which they were making before the commencement of this Act.

Provisions as to the Isle of Man and Channel Islands.

93.—(1) Where, under any law of the Isle of Man or any of the Channel Islands, it is lawful to sentence a young person to be sent to a reformatory or industrial school in Great Britain, and provision is made under any such law to the satisfaction of the Secretary of State—

(i) For the expenses of the conveyance of such young person to the school to which he is sent, and for his reconveyance on his discharge from such school to the Isle of Man or the Channel Islands as the case may be; and

(ii) For the expenses of the maintenance of such young person at such school; and

(iii) For the contribution (if any) to be made by the parent or person legally liable to maintain the child so sent, and the mode in which such contribution is to be raised;

the Government of the Isle of Man, with the assent of the Secretary of State and with the approval of the Tynwald Court, or the Government of any of the Channel Islands, as the case may be, may contract with the managers of any reformatory or industrial school in Great Britain for the reception of young persons sentenced to be sent to any such school by justices or a court in the Isle of Man or the Channel Islands.

(2) A young person sentenced as aforesaid in the Isle of Man or the Channel Islands to be sent to a reformatory or industrial school in Great Britain may be conveyed in the custody of any constable or other person acting under a warrant issued by any competent justices or court in the Isle of Man or the Channel Islands, as the case may be, to the school to which he is sentenced to be sent, and he shall during his conveyance to that school be deemed to be in legal custody, both on sea and on land, and when delivered up to the managers of the school to which he is sent he may thenceforth be dealt with in the same manner and be subject to this Part of this Act in the

same way as if he had been sent to such school by a court in the United Kingdom.

(3) In the construction of this section, as respects the Isle of Man, the expression "justices" means two justices or a high bailiff sitting as a court of summary jurisdiction, and the expression "a court" means the court of general gaol delivery, or a judge of the High Court of Justice of the Isle of Man.

In the construction of this Part of this Act for the purposes of this section—

The expressions "youthful offender" and "child" include young persons;

The expressions "court of assize," "court of quarter sessions," "circuit court of justiciary," "sheriff," mean, as respects the Isle of Man, the court of general gaol delivery, or a judge of the High Court of Justice of the Isle of Man;

The expressions "sentence" and "sentenced" include "order" and "ordered."

PART V.

JUVENILE OFFENDERS.

Bail of children and young persons arrested.

94. Where a person apparently under the age of sixteen years is apprehended with or without warrant, and cannot be brought forthwith before a court of summary jurisdiction, a superintendent or inspector of police, or other officer of police of equal or superior rank, or the officer in charge of the police station to which such person is brought, shall inquire into the case and may in any case, and shall—

(*a*) unless the charge is one of homicide or other grave crime; or

(*b*) unless it is necessary in the interest of such person to remove him from association with any reputed criminal or prostitute; or

(*c*) unless the officer has reason to believe that the release of such person would defeat the ends of justice,

release such person on a recognizance, with or without sureties, for such an amount as will, in the opinion of the officer, secure the attendance of such person upon the hearing of the charge, being entered into by him or by his parent or guardian.

Custody of children and young persons not discharged on bail after arrest.

95. Where a person apparently under the age of sixteen years having been apprehended is not so released as aforesaid, the officer of police shall cause him to be detained in a place of detention provided under this Part of this Act until he can be brought before a court of summary jurisdiction, unless the officer certifies—

(*a*) that it is impracticable to do so; or

(*b*) that he is of so unruly a character that he cannot be safely so detained; or

(c) that by reason of his state of health or of his mental or bodily condition it is inadvisable so to detain him;

and the certificate shall be produced to the court before which the person is brought.

Association with adults during detention in police stations.

96. It shall be the duty of the police authority to make arrangements for preventing, so far as practicable, a child or young person while being detained in a police station from associating with an adult, other than a relative, charged with an offence.

Remand or committal to custody in place of detention.

97.—(1) A court of summary jurisdiction, on remanding or committing for trial a child or young person who is not released on bail, shall, instead of committing him to prison, commit him to custody in a place of detention provided under this Part of this Act and named in the commitment, to be there detained for the period for which he is remanded or until he is thence delivered in due course of law:

Provided that in the case of a young person it shall not be obligatory on the court so to commit him if the court certifies that he is of so unruly a character that he cannot be safely so committed, or that he is of so depraved a character that he is not a fit person to be so detained.

(2) A commitment under this section may be varied or, in the case of a young person who proves to be of so unruly a character that he cannot be safely detained in such custody, or to be of so depraved a character that he is not a fit person to be so detained, revoked by any court of summary jurisdiction acting in or for the place in or for which the court which made the order acted, and if it is revoked the young person may be committed to prison.

Attendance at court of parent of child or young person charged with an offence, &c.

98.—(1) Where a child or young person is charged with any offence, or where a child is brought before a petty sessional court on an application for an order to send him to a certified industrial school, his parent or guardian may in any case, and shall if he can be found and resides within a reasonable distance and the person so charged or brought before the court is a child, be required to attend at the court before which the case is heard or determined during all the stages of the proceedings, unless the court is satisfied that it would be unreasonable to require his attendance.

(2) Where the child or young person is arrested, the constable by whom he is arrested or the officer of police in charge of the police station to which he is brought shall cause the parent or guardian of the child or young person, if he can be found, to be warned to attend at the court before which the child or young person will appear.

(3) For the purpose of enforcing the attendance of a parent or guardian and enabling him to take part in the proceedings and enabling orders to be made against him, rules may be made under section twenty-nine of the Summary Jurisdiction Act, 42 & 43 Vict. c. 49.

11 & 12 Vict. c. 42.

1879, for applying, with the necessary adaptations and modifications, such of the provisions of the Summary Jurisdiction Acts and the Indictable Offences Act, 1848, as appear appropriate for the purpose, and such rules may provide for a summons to a child or young person including a summons to his parent or guardian.

(4) The parent or guardian whose attendance shall be required under this section shall be the parent or guardian having the actual possession and control of the child or young person:

Provided that if that person is not the father, the attendance of the father may also be required.

(5) The attendance of the parent of a child or young person shall not be required under this section in any case where the child or young person was before the institution of the proceedings removed from the custody or charge of his parent by an order of a court of justice.

Power to order parent to pay fine, &c., instead of child or young person.

99.—(1) Where a child or young person is charged before any court with any offence for the commission of which a fine, damages, or costs may be imposed, and the court is of opinion that the case would be best met by the imposition of a fine, damages, or costs, whether with or without any other punishment, the court may in any case, and shall if the offender is a child, order that the fine, damages, or costs awarded be paid by the parent or guardian of the child or young person instead of by the child or young person, unless the court is satisfied that the parent or guardian cannot be found or that he has not conduced to the commission of the offence by neglecting to exercise due care of the child or young person.

(2) Where a child or young person is charged with any offence, the court may order his parent or guardian to give security for his good behaviour.

(3) Where a court of summary jurisdiction thinks that a charge against a child or young person is proved, the court may make an order on the parent or guardian under this section for the payment of damages or costs or requiring him to give security for good behaviour, without proceeding to the conviction of the child or young person.

(4) An order under this section may be made against a parent or guardian who, having been required to attend, has failed to do so, but, save as aforesaid, no such order shall be made without giving the parent or guardian an opportunity of being heard.

(5) Any sums imposed and ordered to be paid by a parent or guardian under this section, or on forfeiture of any such security as aforesaid, may be recovered from him by distress or imprisonment in like manner as if the order had been made on the conviction of the parent or guardian of the offence with which the child or young person was charged.

(6) A parent or guardian may appeal against an order under this section—

(*a*) if made by a court of summary jurisdiction to a court of quarter sessions; and

(*b*) if made by a court of assize or a court of quarter sessions to the Court of Criminal Appeal in accordance with the Criminal Appeal Act, 1907, as if the parent or guardian against whom the order was made had been convicted on indictment, and the order were a sentence passed on his conviction. 7 Edw. 7. c. 23.

Removal of disqualifications attaching to felony.

100. The conviction of a child or young person shall not be regarded as a conviction of felony for the purposes of any disqualification attaching to felony.

Limitation of costs.

101. Where a child or young person is himself ordered by a court of summary jurisdiction to pay costs in addition to a fine, the amount of the costs so ordered to be paid shall in no case exceed the amount of the fine, and (except so far as the court may think fit expressly to order otherwise) all fees payable or paid by the informant in excess of the amount of costs so ordered to be paid shall be remitted or repaid to him, and the court may also order the fine or any part thereof to be paid to the informant in or towards the payment of his costs.

Restrictions on punishment of children and young persons.

102.—(1) A child shall not be sentenced to imprisonment or penal servitude for any offence, or committed to prison in default of payment of a fine, damages, or costs.

(2) A young person shall not be sentenced to penal servitude for any offence.

(3) A young person shall not be sentenced to imprisonment for an offence or committed to prison in default of payment of a fine, damages, or costs, unless the court certifies that the young person is of so unruly a character that he cannot be detained in a place of detention provided under this Part of this Act, or that he is of so depraved a character that he is not a fit person to be so detained.

Abolition of death sentence in case of children and young persons.

103. Sentence of death shall not be pronounced on or recorded against a child or young person, but in lieu thereof the court shall sentence the child or young person to be detained during His Majesty's pleasure, and, if so sentenced, he shall, notwithstanding anything in the other provisions of this Act, be liable to be detained in such place and under such conditions as the Secretary of State may direct, and whilst so detained shall be deemed to be in legal custody.

Detention in the case of certain crimes committed by children or young persons.

104. Where a child or young person is convicted on indictment of an attempt to murder, or of manslaughter, or of wounding with intent to do grievous bodily harm, and the court is of opinion that no punishment which under the provisions of this Act it is authorised to inflict is sufficient, the court may sentence the offender to be detained for such period as may be specified in the sentence; and where such a sentence is passed the child or young person shall, during that period, notwithstanding anything in the other provisions of this Act, be liable to be detained in such place and on such conditions as the Secretary of State

may direct, and whilst so detained shall be deemed to be in legal custody.

Provisions as to discharge of children and young persons detained in accordance with directions of Secretary of State.

105.—(1) A person in detention pursuant to the directions of the Secretary of State under the last two foregoing sections of this Act may, at any time, be discharged by the Secretary of State on licence.

(2) A licence may be in such form and may contain such conditions as the Secretary of State may direct.

(3) A licence may at any time be revoked or varied by the Secretary of State, and where a licence has been revoked the person to whom the licence related shall return to such place as the Secretary of State may direct, and if he fails to do so may be apprehended without warrant and taken to that place.

Substitution of custody in place of detention for imprisonment.

106. Where a child or young person is convicted of an offence punishable, in the case of an adult, with penal servitude or imprisonment, or would, if he were an adult, be liable to be imprisoned in default of payment of any fine, damages, or costs, and the court considers that none of the other methods in which the case may legally be dealt with is suitable, the court may, in lieu of sentencing him to imprisonment or committing him to prison, order that he be committed to custody in a place of detention provided under this Part of this Act and named in the order for such term as may be specified in the order, not exceeding the term for which he might, but for this Part of this Act, be sentenced to imprisonment or committed to prison, nor in any case exceeding one month.

Methods of dealing with children and young persons charged with offences.

107. Where a child or young person charged with any offence is tried by any court, and the court is satisfied of his guilt, the court shall take into consideration the manner in which, under the provisions of this or any other Act enabling the court to deal with the case, the case should be dealt with, namely, whether—

(*a*) by dismissing the charge; or

(*b*) by discharging the offender on his entering into a recognizance; or

(*c*) by so discharging the offender and placing him under the supervision of a probation officer; or

(*d*) by committing the offender to the care of a relative or other fit person; or

(*e*) by sending the offender to an industrial school; or

(*f*) by sending the offender to a reformatory school; or

(*g*) by ordering the offender to be whipped; or

(*h*) by ordering the offender to pay a fine, damages, or costs; or

(*i*) by ordering the parent or guardian of the offender to pay a fine, damages, or costs; or

(*j*) by ordering the parent or guardian of the offender to give security for his good behaviour; or

(*k*) by committing the offender to custody in a place of detention provided under this Part of this Act; or

(*l*) where the offender is a young person, by sentencing him to imprisonment; or

(*m*) by dealing with the case in any other manner in which it may be legally dealt with:

Provided that nothing in this section shall be construed as authorising the court to deal with any case in any manner in which it could not deal with the case apart from this section.

Provision of places of detention.

108.—(1) It shall be the duty of every police authority to provide such places of detention for every petty sessional division within their district as may be required for the purposes of this Act, either by arranging with the occupiers of any premises whether within or without their district for the use of those premises for the purpose, or by themselves establishing or joining with another police authority in establishing such places; but nothing shall prevent the same place of detention being provided for two or more petty sessional divisions.

(2) If more than one place of detention is provided for any petty sessional division, the police authority may determine that any such place shall be used for some only of the purposes for which places of detention are required to be provided and another place for the other purposes.

(3) Before arranging for the use of any premises as aforesaid the police authority shall satisfy themselves of the fitness of the occupier thereof to have the custody and care of children or young persons committed to, or detained in, custody under this Part of this Act, and of the suitability of the accommodation provided by him.

(4) It shall be lawful for the authority or persons responsible for the management of any institution other than a prison, whether supported out of public funds or by voluntary contributions, but subject in the case of an institution supported out of public funds to the consent of the Government department concerned, to agree with the police authority for the use of the institution or any part thereof as a place of detention on such terms as may be agreed upon between them and the police authority.

(5) The police authority shall keep a register of the places of detention provided by them for each petty sessional division, and the register shall contain a description of the premises, the names of the occupiers thereof, and the number of children or young persons who may be detained in custody in the several premises, and no child or young person shall be detained in custody in any place which is not so registered.

(6) A copy of the register shall be kept at every court house and police station within the area to which it relates.

(7) The registered occupier of any registered place of detention shall be responsible for the custody of the children and young persons detained in that place, and, if at any time he appears to be unfit or refuses to receive any child or young

person committed to custody in that place, or brought to that place for custody until he can be brought before a court of summary jurisdiction, the police authority may remove from the register the premises of which he is the registered occupier.

(8) In selecting the place of detention to which a child or young person is to be committed the court or officer of police shall have regard, where practicable, to the religious persuasion of the child or young person.

(9) Where it is intended to bring a person before a petty sessional court as coming, or as being a person who, if a child, would come, within one of the descriptions mentioned in subsection one of section fifty-eight of this Act, and it is necessary that accommodation should be temporarily provided for him, a place of detention may be used for his accommodation until he can be brought before such a court in like manner as if he had been apprehended.

(10) A police authority shall proceed to exercise the powers conferred on them by this section as soon as may be after the commencement of this Act, but the obligation to provide such places of detention as may be required for the purposes of this Act shall not become operative until the first day of January nineteen hundred and ten.

(11) In the metropolitan police district the powers and duties conferred and imposed on a police authority under this section shall be exercised and performed, as respects London by the London County Council, as respects a county borough by the council of the borough, and elsewhere by the standing joint committee of the county.

(12) The Local Government Board may by order transfer from the Metropolitan Asylums Board to the London County Council any buildings provided by the Metropolitan Asylums Board for the purpose of remand homes under section four of the Youthful Offenders Act, 1901, together with any liabilities incurred by the Metropolitan Asylums Board in connection with such buildings, and on such transfer the buildings shall become places of detention for the purposes of this Part of this Act, and the order may also provide for the transfer of any officers employed by the Metropolitan Asylums Board in connection with such remand homes, and for securing to such officers any rights as to pension or otherwise to which they may be entitled.

1 Edw. 7. c. 20.

Provisions as to custody of children and young persons in places of detention.

109.—(1) The order or judgment in pursuance of which a child or young person is committed to custody in a place of detention provided under this Part of this Act shall be delivered with the child or young person to the person in charge of the place of detention and shall be a sufficient authority for his detention in that place in accordance with the tenour thereof.

(2) A child or young person whilst so detained and whilst being conveyed to and from the place of detention shall be deemed to be in legal custody, and if he escapes may be

apprehended without warrant and brought back to the place of detention in which he was detained.

(3) The Secretary of State shall cause places of detention provided under this Part of this Act to be inspected, and may make rules as to the places to be used as places of detention, and as to their inspection, and as to the classification, treatment, employment and control of children and young persons detained in custody in a place of detention provided under this Part of this Act, and for the children and young persons whilst so detained being visited from time to time by persons appointed in accordance with those rules.

Expenses of maintenance of child or young person.

110.—(1) The expenses incurred by the police authority in respect of any place of detention provided by the authority, including the expenses of the maintenance of any child or young person detained therein, whether detained on apprehension or committed to custody on remand or commitment for trial or in lieu of imprisonment or in default of payment of a fine, damages, or costs, shall be defrayed out of the police fund of the police authority by which the place is provided.

(2) There shall be paid, out of money provided by Parliament, towards the cost of maintaining any child or young person so committed to custody on remand or commitment for trial or in lieu of imprisonment or in default of payment of a fine, damages, or costs, such contributions as may be fixed by regulations made by the Secretary of State with the approval of the Treasury, and the sums so paid shall be applied in repayment of the sums paid out of the police fund in respect of that child or young person.

(3) This section shall apply as respects the metropolitan police district with the substitution of references to the London County Council, the standing joint committee of a county, or the council of a county borough for references to the police authority, and of references to the county fund or the borough fund or borough rate for references to the police fund.

Juvenile courts.

111.—(1) A court of summary jurisdiction when hearing charges against children or young persons, or when hearing applications for orders or licences relating to a child or young person at which the attendance of the child or young person is required, shall, unless the child or young person is charged jointly with any other person not being a child or young person, sit either in a different building or room from that in which the ordinary sittings of the court are held, or on different days or at different times from those at which the ordinary sittings are held, and a court of summary jurisdiction so sitting is in this Act referred to as a juvenile court.

(2) Where in the course of any proceedings in a juvenile court it appears to the court that the person charged or to whom the proceedings relate is of the age of sixteen years or upwards, or where in the course of any proceedings in any court of summary jurisdiction other than a juvenile court it appears that the person charged or to whom the proceedings relate is under the

age of sixteen years, nothing in this section shall be construed as preventing the court if it thinks it undesirable to adjourn the case from proceeding with the hearing and determination of the case.

(3) Provision shall be made for preventing persons apparently under the age of sixteen years whilst being conveyed to or from court, or whilst waiting before or after their attendance in court, from associating with adults charged with any offence other than an offence with which the person apparently under the age of sixteen years is jointly charged.

(4) In a juvenile court no person other than the members and officers of the court and the parties to the case, their solicitors and counsel, and other persons directly concerned in the case, shall, except by leave of the court, be allowed to attend:

Provided that bonâ fide representatives of a newspaper or news agency shall not be excluded.

2 & 3 Vict. c. 47. 3 & 4 Vict. c. 84.

(5) His Majesty may by Order in Council under the Metropolitan Police Courts Acts, 1839 and 1840, provide for the establishment of one or more separate juvenile courts for the metropolitan police court district and for assigning as a division to each such court such portion of that district as may be specified in the order, and where such an order is made the London County Council shall, if so required by the Secretary of State, provide the necessary accommodation for the purpose at any place of detention provided by the Council upon such terms as to payment and otherwise as may be agreed between the Secretary of State and the Council, or, in default of agreement, as may be settled by the Treasury.

(6) Where it is proved to the satisfaction of the Secretary of State that arrangements cannot be made for the purpose of complying with this section in any place by the first day of April, nineteen hundred and nine, the Secretary of State may by order postpone the coming into operation of this section as respects that place until such date, not later than the first day of January, nineteen hundred and ten, as may be specified in the order.

Temporary saving of power to imprison children and young persons.

112. The provisions of this Part of this Act prohibiting or restricting a child or young person from being committed to prison on remand or commitment for trial or in default of payment of a fine, damages, or costs, or being sentenced to imprisonment shall not come into operation until the first day of January nineteen hundred and ten, but nothing in this provision shall be construed as preventing the court from committing or sentencing a child or young person to custody in a place of detention before that date in any case where a place of detention has been provided.

Saving for pending proceedings.

113. This Part of this Act shall not apply in the case of any proceedings instituted before the first day of April nineteen hundred and nine.

Part VI.

Miscellaneous and General.

Miscellaneous.

Power to clear court whilst child or young person is giving evidence in certain cases.

114. In addition and without prejudice to any powers which a court may possess to hear proceedings in camerâ the court may, where a person who, in the opinion of the court, is a child or young person is called as a witness in any proceedings in relation to an offence against, or any conduct contrary to, decency or morality, direct that all or any persons, not being members or officers of the court or parties to the case, their counsel or solicitors, or persons otherwise directly concerned in the case, be excluded from the court during the taking of the evidence of the child or young person: Provided that nothing in this section shall authorise the exclusion of bonâ fide representatives of a newspaper or news agency.

Prohibition on children being present in court during the trial of other persons.

115. No child (other than an infant in arms) shall be permitted to be present in court during the trial of any person charged with an offence, or during any proceedings preliminary thereto, and if so present he shall be ordered to be removed, unless he is the person charged with the alleged offence, or during such time as his presence is required as a witness or otherwise for the purposes of justice:

Provided that this section shall not apply to messengers, clerks, and other persons required to attend at any court for purposes connected with their employment.

Prohibition of purchase of old metals from persons under sixteen.
34 & 35 Vict. c. 112.
57 & 58 Vict. c. 60.

116.—(1) If a dealer in old metal as defined by the Prevention of Crimes Act, 1871, or a marine store dealer within the meaning of Part IX. of the Merchant Shipping Act, 1894, purchases from any person apparently under the age of sixteen years any old metal, whether offered for sale by that person on his own behalf or on behalf of any other person, he shall be liable on summary conviction to a fine not exceeding five pounds.

(2) For the purposes of this section "old metal" includes scrap metal, broken metal, or partly manufactured metal goods, and old or defaced metal goods.

Prohibition against taking pawns from persons under fourteen.
35 & 36 Vict. c. 93.
2 & 3 Vict. c. 47.

117. If a pawnbroker takes an article in pawn from any person apparently under the age of fourteen years, whether offered by that person on his own behalf or on behalf of any other person, he shall be guilty of an offence against the Pawnbrokers Act, 1872, but nothing in that Act nor in this section shall affect section fifty of the Metropolitan Police Act, 1839.

Penalty on vagrants preventing children receiving education.

118.—(1) If a person habitually wanders from place to place and takes with him any child above the age of five, he shall, unless he proves that the child is totally exempted from school attendance or that the child is not by being so taken with him prevented from receiving efficient elementary education, be

liable on summary conviction to a fine not exceeding with costs twenty shillings, and shall, for the purposes of the provisions of this Act relating to the descriptions of children who may be sent to a certified industrial school, be deemed not to be exercising proper guardianship over the child:

40 & 41 Vict. c. 60.

Provided that this provision shall not apply to a child in a canal boat for whose education provision is made under the Canal Boats Act, 1877, as amended by any subsequent enactment.

(2) Any constable who finds a person wandering from place to place and taking a child with him may, if he has reasonable ground for believing that the person is guilty of an offence under this section, apprehend him without a warrant, and may take the child to a place of safety in accordance with the provisions of Part II. of this Act, and that Part shall apply accordingly as if an offence under this section were an offence under that Part.

(3) Without prejudice to the requirements of the Education Acts, 1870 to 1907, as to school attendance or to proceedings thereunder, this section shall not apply during the months of April to September, inclusive, to any child whose parent or guardian is engaged in a trade or business of such a nature as to require him to travel from place to place, and who has obtained a certificate of having made not less than two hundred attendances at a public elementary school during the months of October to March immediately preceding, and the power of the Board of Education to make regulations with respect to the issue of certificates of due attendance for the purposes of the Education Acts, 1870 to 1907, shall include a power to make regulations as to the issue of certificates of attendance for the purposes of this section.

Penalty on giving intoxicating liquor to children.

119. If any person gives, or causes to be given, to any child under the age of five any intoxicating liquor, except upon the order of a duly qualified medical practitioner, or in case of sickness, or apprehended sickness, or other urgent cause, he shall, on summary conviction, be liable to a fine not exceeding three pounds.

Exclusion of children from bars of licensed premises.

120.—(1) The holder of the licence of any licensed premises shall not allow a child to be at any time in the bar of the licensed premises, except during the hours of closing.

(2) If the holder of a licence acts in contravention of this section, or if any person causes or procures, or attempts to cause or procure, any child to go to or to be in the bar of any licensed premises except during the hours of closing, he shall be liable, on summary conviction, to a fine not exceeding, in respect of the first offence, forty shillings, and in respect of any subsequent offence, five pounds.

(3) If a child is found in the bar of any licensed premises, except during the hours of closing, the holder of the licence shall be deemed to have committed an offence under this section unless he shows that he has used due diligence to prevent the

child being admitted to the bar or that the child was apparently a person over the age of fourteen.

(4) Nothing in this section shall apply in the case of any child of the licence-holder or in the case of a child who is resident but not employed in the licensed premises or who is in the bar of licensed premises solely for the purpose of passing through in order to obtain access to, or egress from, some other part of the premises, not being a bar, where there is no other convenient means of access to, or egress from, that part of the premises, or in the case of railway refreshment rooms or other premises constructed, fitted, and intended to be used in good faith for any purpose to which the holding of a licence is merely auxiliary.

(5) In this section the bar of licensed premises means any open drinking bar or any part of the premises exclusively or mainly used for the sale and consumption of intoxicating liquor, and the expressions "licence" and "licensed premises" have the same meaning as in the Licensing Acts, 1828 to 1906.

Safety of children at entertainments.

121.—(1) Where an entertainment for children or any entertainment at which the majority of the persons attending are children is provided, and the number of children who attend the entertainment exceeds one hundred, and access to any part of the building in which children are accommodated is by stairs, it shall be the duty of the person who provides the entertainment to station and keep stationed wherever necessary a sufficient number of adult attendants, properly instructed as to their duties, to prevent more children or other persons being admitted to any such part of the building than that part can properly accommodate, and to control the movement of the children and other persons admitted to any such part whilst entering and leaving, and to take all other reasonable precautions for the safety of the children.

(2) Where the occupier of a building permits, for hire or reward, the building to be used for the purpose of an entertainment, he shall take all reasonable steps to secure the observance of the provisions of this section.

(3) If any person, on whom any obligation is imposed by this section, fails to fulfil that obligation, he shall be liable, on summary conviction, to a fine not exceeding, in the case of a first offence, fifty pounds, and in the case of a second or subsequent offence, one hundred pounds, and also, if the building in which the entertainment is given is licensed under any of the enactments relating to the licensing of theatres and of houses and other places for music or dancing, the licence shall be liable to be revoked by the authority by which the licence was granted.

(4) A constable may enter any building in which he has reason to believe that such an entertainment as aforesaid is being, or is about to be, provided with a view to seeing whether the provisions of this section are carried into effect.

(5) It shall be the duty of the council of the county or county borough in which a building in which any contravention of the

provisions of this section is alleged to have taken place to institute proceedings under this section if the building is a building licensed by the Lord Chamberlain, or is licensed by the council of the county or county borough under the enactments relating to the licensing of theatres or of houses and other places for music or dancing, and in any other case it shall be the duty of the police authority to institute such proceedings.

(6) This section shall not apply to any entertainment given in a private dwelling-house.

Cleansing of verminous children.

122.—(1) A local education authority may direct their medical officer, or any person provided with and, if required, exhibiting the authority in writing of their medical officer, to examine in any public elementary school provided or maintained by the authority the person and clothing of any child attending the school, and, if on examination the medical officer, or any such authorised person as aforesaid, is of opinion that the person or clothing of any such child is infected with vermin or is in a foul or filthy condition, the local education authority may give notice in writing to the parent or guardian of, or other person liable to maintain, the child, requiring him to cleanse properly the person and clothing of the child within twenty-four hours after the receipt of the notice.

(2) If the person to whom any such notice as aforesaid is given fails to comply therewith within such twenty-four hours, the medical officer, or some person provided with and, if required, exhibiting the authority in writing of the medical officer, may remove the child referred to in the notice from any such school, and may cause the person and clothing of the child to be properly cleansed in suitable premises and with suitable appliances, and may, if necessary for that purpose, without any warrant other than this section, convey to such premises and there detain the child until the cleansing is effected.

(3) Where any sanitary authority within the district of a local education authority have provided, or are entitled to the use of, any premises or appliances for cleansing the person or clothing of persons infested with vermin, the sanitary authority shall, if so required by the local education authority, allow the local education authority to use such premises and appliances for the purpose of this section upon such payment (if any) as may be agreed between them or, in default of agreement, settled by the Local Government Board.

(4) Where, after the person or clothing of a child has been cleansed by a local education authority under this section, the parent or guardian of, or other person liable to maintain, the child allows him to get into such a condition that it is again necessary to proceed under this section, the parent, guardian, or other person shall, on summary conviction, be liable to a fine not exceeding ten shillings.

(5) Where a local education authority give notice under this section to the parent or guardian of, or other person liable to

maintain, a child, requiring him to cleanse the person and clothing of the child, the authority shall also furnish him with written instructions describing the manner in which the cleansing may best be effected.

(6) The examination and cleansing of girls under this section shall only be effected by a duly qualified medical practitioner or by a woman duly authorised as herein-before provided.

(7) For the purposes of this section "medical officer" means any officer appointed for the purpose of section thirteen of the Education (Administrative Provisions) Act, 1907. 7 Edw. 7, c. 43.

General.

Presumption and determination of age.

123.—(1) Where a person, whether charged with an offence or not, is brought before any court otherwise than for the purpose of giving evidence, and it appears to the court that he is a child or young person, the court shall make due inquiry as to the age of that person, and for that purpose shall take such evidence as may be forthcoming at the hearing of the case, but an order or judgment of the court shall not be invalidated by any subsequent proof that the age of that person has not been correctly stated to the court, and the age presumed or declared by the court to be the age of the person so brought before it shall, for the purposes of this Act, be deemed to be the true age of that person, and, where it appears to the court that the person so brought before it is of the age of sixteen years or upwards, that person shall for the purposes of this Act be deemed not to be a child or young person.

(2) Where in a charge or indictment for an offence under this Act, or any of the offences mentioned in the First Schedule to this Act, except an offence under the Criminal Law Amendment Act, 1885, it is alleged that the person by or in respect of whom the offence was committed was a child or young person or was under or above any specified age, and he appears to the court to have been at the date of the commission of the alleged offence a child or young person, or to have been under or above the specified age, as the case may be, he shall for the purposes of this Act be presumed at that date to have been a child or young person or to have been under or above that age, as the case may be, unless the contrary is proved.

(3) Where in any charge or indictment for an offence under this Act or any of the offences mentioned in the First Schedule to this Act it is alleged that the person in respect of whom the offence was committed was a child or was a young person, it shall not be a defence to prove that the person alleged to have been a child was a young person or the person alleged to have been a young person was a child in any case where the acts constituting the alleged offence would equally have been an offence if committed in respect of a young person or child respectively.

(4) Where a person is charged with an offence under this Act in respect of a person apparently under a specified age it

shall be a defence to prove that the person was actually of or over that age.

Evidence of wages of defendant.

124. In any proceedings under this Act a copy of an entry in the wages book of any employer of labour, or, if no wages book be kept, a written statement signed by the employer, or by any responsible person in his employ, shall be primâ facie evidence that the wages therein entered, or stated as having been paid to any person, have in fact been so paid.

Provision as to contribution orders.

125. The persons liable to maintain a youthful offender, young person, or child, against whom an order to contribute to the maintenance of the youthful offender, young person, or child may be made under this Act shall include his step-parent, and, if the court having cognizance of the case thinks fit, a person cohabiting with his mother, whether or not the person so cohabiting is his putative father, and in the case of illegitimacy his putative father:

Provided that where the youthful offender, young person, or child is illegitimate and an affiliation order for his maintenance has previously been made on the application of his mother under the enactments relating to bastardy, the court shall not (unless in view of the special circumstances of the case the court thinks it desirable) make an order for contribution against the putative father, but may order the whole or any part of the payments accruing due under the affiliation order to be made to the chief inspector of reformatory and industrial schools or such other person as may be named in the order, to be applied by him towards the maintenance of the youthful offender, young person, or child.

Reception and maintenance of children and young persons in workhouses.

126. Boards of Guardians shall provide for the reception of children and young persons brought to a workhouse in pursuance of this Act, and, where the place to which under this Act a child or young person is authorised to be taken is a workhouse, the master shall receive the child or young person into the workhouse if there is suitable accommodation therein, and any expenses incurred in respect of the child or young person shall be paid out of the common fund.

Variation of trusts for maintenance of child or young person.

127.—(1) Where a child or young person is by an order of any court made under this Act removed from the care of any person, and that person is entitled under any trust to receive any sum of money in respect of the maintenance of the child or young person, the court may order the whole or any part of the sums so payable under the trust to be paid to the person to whose care the child or young person is committed, to be applied by that person for the benefit of the child or young person in such manner as, having regard to the terms of the trust, the court may direct.

(2) An appeal shall lie from an order of a court of summary jurisdiction under this section to quarter sessions.

Amendment of 42 & 43 Vict. c. 49.

128.—(1) In the definitions of "child" and "young person" in the Summary Jurisdiction Act, 1879, "fourteen years" shall be substituted for "twelve years."

(2) The First Schedule to the Summary Jurisdiction Act, 1879, shall include the offence mentioned in the Second Schedule to this Act in the same manner as if that schedule formed part of the First Schedule to the Summary Jurisdiction Act, 1879:

Provided that where a court of summary jurisdiction deals with such an offence summarily under section twelve of that Act the maximum term of imprisonment which the court may inflict shall be six instead of three months.

Application of Summary Jurisdiction Acts.

129. All orders of a court of summary jurisdiction, whether a petty sessional court or not, under this Act shall be made, and all proceedings in relation to any such orders shall be taken, in manner provided by the Summary Jurisdiction Acts, and the power of making rules under section twenty-nine of the Summary Jurisdiction Act, 1879, shall extend to making rules for regulating the procedure of courts of summary jurisdiction under this Act and matters incidental thereto.

Variation of Orders in Council.

130. An Order in Council under this Act may be revoked or varied by any subsequent Order in Council.

General definitions.

131. For the purposes of this Act unless the context otherwise requires—

The expression "child" means a person under the age of fourteen years;

The expression "young person" means a person who is fourteen years of age or upwards and under the age of sixteen years;

The expression "guardian," in relation to a child, young person, or youthful offender, includes any person who, in the opinion of the court having cognizance of any case in relation to the child, young person, or youthful offender, or in which the child, young person, or youthful offender is concerned, has for the time being the charge of or control over the child, young person, or youthful offender;

The expression "legal guardian," in relation to an infant, child, young person, or youthful offender, means a person appointed, according to law, to be his guardian by deed or will, or by order of a court of competent jurisdiction;

The expression "place of safety" means any workhouse or police station, or any hospital, surgery, or any other suitable place, the occupier of which is willing temporarily to receive an infant, child, or young person;

The expression "common council" means the mayor, aldermen, and commons of the city of London in common council assembled;

The expression "local education authority" means a local education authority for the purpose of Part III. of the Education Act, 1902;

The expressions "police authority" and "police fund" as respects the City of London mean the Common Council and the fund out of which the expenses of the city police are defrayed, and elsewhere have the same meanings as in the Police Act, 1890;

The expression "common fund" means, as respects a poor law union consisting of a single parish, the poor rate of that parish;

The expression "street" includes any highway and any public bridge, road, lane, footway, square, court, alley, or passage, whether a thoroughfare or not;

The expression "public place" includes any public park, garden, sea beach, or railway station, and any ground to which the public for the time being have or are permitted to have access, whether on payment or otherwise;

The expression "intoxicating liquor" means any fermented, distilled, or spirituous liquor which cannot according to any law for the time being in force be legally sold without a licence from the Commissioners of Inland Revenue.

Application to Scotland.

132. This Act in its application to Scotland shall be subject to the following modifications:—

(1) The Secretary for Scotland shall, in this Act and any local Act relating to reformatory or industrial schools in Scotland, be substituted for the Secretary of State, but this substitution shall not apply to the provision of this Act conferring powers to appoint a chief inspector and other inspectors of reformatory and industrial schools, unless and until any such powers are transferred to the Secretary for Scotland by order of the Secretary of State, which he is hereby empowered to make with the concurrence of the Treasury and the Secretary for Scotland, and upon any such order being made such powers shall to the extent specified in the order be transferred to and may be exercised by the Secretary for Scotland:

(2) The Local Government Board for Scotland shall be substituted for the Local Government Board and shall, for the purposes of Part I. of this Act, have the same powers of making inquiries, calling for returns, and applying to the Court of Session as they have for the purposes of the Poor Law (Scotland) Act, 1845:

8 & 9 Vict. c. 83.

(3) The Scotch Education Department shall be substituted for the Board of Education:

(4) The High Court of Justiciary shall be substituted for a court of assize:

(5) The procurator fiscal shall be substituted for the coroner, and an inquiry by him into the cause of death for an inquest:

(6) The poorhouse and the person in charge thereof shall be substituted for the workhouse and the master thereof:

(7) Parish council shall be substituted for board of guardians and for guardians of a poor law union:

(8) Poor rate shall be substituted for common fund and for common fund of a union:

Provided that where under this Act expenses incurred in respect of a child or young person brought to a poorhouse are payable out of the common fund, such expenses shall form part of the establishment charges of the poorhouse:

(9) The expressions "court of summary jurisdiction" and "petty sessional court" in Part I. and Part II. and in subsection seven of section seventy-four of this Act mean the sheriff, and elsewhere mean the sheriff or any two or more justices of the peace or any magistrate or magistrates, by whatever name called, officiating under the provisions of any general or local police Act (provided that, where under any local Act a magistrate had jurisdiction before the commencement of this Act for any purposes of the Prevention of Cruelty to Children Act, 1904, he shall have jurisdiction for the like purposes of Part II. of this Act), and the expression "justice" occurring in this Act in reference to one justice of the peace includes the sheriff and any such magistrate: 4 Edw. 7. c. 15.

(10) "Misdemeanour" means crime and offence; "manslaughter" means culpable homicide; "affiliation order" means decree for aliment; "attached" means arrested; "information" and "summons" mean complaint or indictment, as the case may be; "local education authority" means school board; "elementary education" means education; "London Gazette" means "Edinburgh Gazette": and in the definition of the expression "street" the word "passage" includes common close, or common stair, or common passage:

(11) The expression "in accordance with the byelaws in force in the place where he resides" means "in such regular manner as is specified in the licence":

(12) The expression "a justice having jurisdiction in the place where the court which made the order sat" and any similar expression means "the court which made the order or any member thereof or any other court having jurisdiction in the place where the court which made the order sat":

(13) References to an informant, to a petty sessional division, to an appeal to a court of quarter sessions or to the Court of Criminal Appeal, and to the enactments relating to bastardy shall not apply: Provided that in subsection four of section seventy-four the expression

"court of quarter sessions" means the sheriff sitting with a jury:

(14) References to a remand or to remanding a person shall be construed as references to an adjournment of the proceedings and to an order of the court respecting the detention in custody of a person during any such adjournment, and references to release on recognizance shall be construed as references to liberation on bail, or liberation without bail on a verbal obligation to appear at any diet of court, or liberation on bond of caution, as the case may require:

(15) The expression "by distress" means under a warrant of poinding and sale:

(16) The expressions "police authority" and "police fund" have the same meanings as in the Police (Scotland) Act, 1890: Provided that, in the case of a royal, parliamentary, or police burgh, the expression "police authority," where occurring in section fifty-eight and in section one hundred and twenty-one of this Act, means the town council; and provided further that, where in any such burgh expenses chargeable to the police fund or as part of the current expenses of a police authority would, under the existing law, be payable out of the burgh general assessment, expenses so chargeable under the provisions of this Act shall be defrayed as expenses incurred by a town council under section seventy-four of this Act:

53 & 54 Vict. c. 67.

(17) References to the computation of time mentioned in the Poor Removal Act, 1846, shall be construed as references to any computation of time for the purpose of ascertaining the settlement of any pauper; references to the Education Acts, 1870 to 1907, and references to the Education (Administrative Provisions) Act, 1907, and to any section thereof, as references to the Education (Scotland) Acts, 1872 to 1893, and any Act amending the same; and references to section twenty-nine of the Summary Jurisdiction Act, 1879, as references to section thirty-three of the Summary Procedure (Scotland) Act, 1864, and references in section one hundred and nineteen and section one hundred and twenty to a licence, to licensed premises, and to intoxicating liquor, respectively, as references to a certificate, to certificated premises, and to excisable liquor, within the meaning of the Licensing (Scotland) Act, 1903:

9 & 10 Vict. c. 66.

7 Edw. 7. c. 43.

42 & 43 Vict. c. 49.

27 & 28 Vict. c. 53.

3 Edw. 7. c. 25.

(18) A reference to the Elementary Education Act, 1876, and to section twelve thereof shall be construed as a reference to the Education (Scotland) Act, 1883, and to section nine thereof, or to the Day Industrial Schools (Scotland) Act, 1893, and to section four thereof, or to any Act and section amending the same respec-

39 & 40 Vict. c. 79.

46 & 47 Vict. c. 56.

56 & 57 Vict. c. 12.

tively, as the case may be; provided that the words "public or inspected school" shall be substituted for the words "certified efficient school within the meaning of the Elementary Education Act, 1876":

(19) Every offence committed against this Act shall, except where inconsistent with the provisions of this Act, be tried and determined under the provisions of the Summary Jurisdiction (Scotland) Acts, and, in the event of an offender being convicted and failing to make payment of the penalty which may have been imposed immediately or within a specified period, he shall, except as aforesaid, be liable to imprisonment in accordance with the provisions of the said Acts:

(20) A parish council may, with the approval of the Local Government Board for Scotland (and so long as that approval is not withdrawn), subscribe to the funds of an association or society for the prevention of cruelty to children:

(21) In section seventy-four of this Act the expression "county borough" means a burgh or police burgh within the meaning of the Local Government (Scotland) Act, 1889, which has or is entitled to have a separate police force, and all other burghs and police burghs shall for the purposes of the said section be held to be within the county. 52 & 53 Vict. c. 50.

The expenses incurred by a county council under the said section shall be defrayed out of the general purposes rate: Provided that, notwithstanding anything contained in the Local Government (Scotland) Act, 1889, the ratepayers of a police burgh having or entitled to have a separate police force shall not be assessed by the county council for any such expenses, and provided further that, with respect to every burgh within the meaning of the Local Government (Scotland) Act, 1889, which has not and is not entitled to have a separate police force, subsection three and subsection four of section sixty and section sixty-six of the last-mentioned Act shall so far as applicable have effect as if such expenses were expenditure therein mentioned; the expenses incurred by a town council shall be defrayed out of the burgh general improvement assessment, or any other assessment leviable in equal proportions on owners and occupiers, but shall not be reckoned in any calculation as to the statutory limit of any such assessment; and the expenses incurred by a school board shall be paid out of the school rate or school fund. 52 & 53 Vict. c. 50.

A local authority may borrow for the purposes authorised in the said section on the security of the said respective assessments or rates, if a county council, under and in accordance with the provisions

52 & 53 Vict. c. 50.

55 & 56 Vict. c. 55.

of the Local Government (Scotland) Act, 1889, and any Act amending the same; if a town council, under and in accordance with the provisions of section three hundred and seventy-four of the Burgh Police (Scotland) Act, 1892, as amended by any subsequent Act, or of the corresponding provision of any local police Act; and if a school board, under and in accordance with the provisions of the Education (Scotland) Acts, 1872 to 1893, and any Act amending the same; and subsection fourteen of the said section of this Act shall apply accordingly, with the substitution of the Acts herein-before mentioned for the Acts in that subsection mentioned: Provided that the period within which the money so borrowed is to be repaid shall be such period not exceeding sixty years as the Secretary for Scotland, or in the case of a school board the Scotch Education Department, shall sanction.

A local authority may acquire land for the purposes authorised in the said section of this Act as a local authority under the Public Health (Scotland) Act, 1897, may acquire land for the purposes of that Act, and subsection twelve of the said section of this Act shall apply accordingly, with the substitution of the Public Health (Scotland) Act, 1897, for the Acts in that subsection mentioned:

60 & 61 Vict. c. 38.

(22) In addition to any other register required by law, a separate register of convicted juvenile offenders and of juvenile offenders discharged on recognizance or put on probation under the Probation of Offenders Act, 1907, shall be kept for every summary court by the chief constable or other person charged with the duty of keeping registers of convictions. The register shall apply to offenders of such age, and shall include such particulars, as may be directed by the Secretary for Scotland, and it shall be the duty of the keeper of the register, within seven days after any such offender has been dealt with by the court, to transmit a copy of the entry relating to the offender to the clerk of the school board for the burgh or parish in which the offender resides:

7 Edw. 7. c. 17.

(23) Subsection two of section nine, section twenty-eight, section twenty-nine, section thirty, section thirty-five, section thirty-six, subsection thirteen of section seventy-four, and subsection three of section eighty-two of this Act shall not apply to Scotland:

(24) Subject to the provisions herein-after contained, nothing in this Act shall be construed to repeal, alter, prejudice, or affect any of the provisions of the Glasgow Juvenile Delinquency Prevention and Repression Acts, 1878 and 1896 (herein-after referred to as the Glasgow Acts), and the Commissioners and the directors acting

41 & 42 Vict. c. cxxi. 59 & 60 Vict. c. xxxv.

under the Glasgow Acts shall continue to have the full rights, privileges, and powers at present competent to them: Provided, nevertheless, that the Secretary for Scotland may, by order under his hand, provide for altering, amending, or adapting the Glasgow Acts so as to provide (*a*) for the retiral of the existing directors, for the re-constitution of the board of directors, for the election of new directors, for subsequent elections of directors, for the annual retiral of one-third or other proportion of the directors, and for supplying vacancies arising from time to time; (*b*) for the assessments authorised to be levied under the Glasgow Acts being levied in the same manner as assessments for the expenses of a town council for the purposes of section seventy-four of this Act instead of as in the Glasgow Acts provided, and for the reduction of the maximum amount thereof, if thought proper, and for the application of the said assessments; (*c*) for authorising the said directors to grant securities over all lands and heritages vested in them, including school houses; (*d*) for raising the age up to which, under the Glasgow Acts, a child may, upon the request of the school board, if the court think it expedient, be sent to a certified day industrial school from thirteen years to fourteen years, and for providing that any order for payment of contributions by a parent under the Glasgow Acts shall be enforceable as a decree for aliment; and (*e*) for otherwise altering, amending, or adapting the provisions of the Glasgow Acts, as may seem to him necessary to make those provisions conform with the provisions of this Act, or to enable the powers under the Glasgow Acts to be exercised as if they were powers under this Act. Any such order may be revoked and varied by a subsequent order:

(25) The immediately preceding subsection shall apply to the Aberdeen Reformatories and Industrial Schools Act, 1885, as if it were herein re-enacted with the omission of the portions thereof under the headings (*b*), (*c*), and (*d*), and with the substitution of the last-mentioned Act for the Glasgow Acts. 48 & 49 Vict. c. clxxii.

133. This Act in its application to Ireland shall be subject to the following modifications:— Application to Ireland.

(1) The Chief Secretary shall be substituted for the Secretary of State:

(2) The Dublin Gazette shall be substituted for the London Gazette:

(3) For references to Orders in Council by His Majesty there shall be substituted references to Orders in Council by the Lord Lieutenant:

(4) The powers which may be exercised by His Majesty may be exercised as to Ireland by the Lord Lieutenant:

(5) A court of summary jurisdiction constituted in accordance with the provisions of section two hundred and forty-nine of the Public Health (Ireland) Act, 1878, shall be substituted for a petty sessional court:

41 & 42 Vict. c. 52.

47 & 48 Vict. c. 19.

(6) Section five of the Summary Jurisdiction over Children (Ireland) Act, 1884, which gives power to deal summarily with young persons by consent, shall extend to all indictable offences other than homicide, and accordingly in that section for the words "specified in the schedule to this Act" there shall be substituted the words "other than homicide":

42 & 43 Vict. c. 49.

47 & 48 Vict. c. 19.

(7) References to the Summary Jurisdiction Act, 1879, shall, save as otherwise provided in this subsection, be construed as references to the Summary Jurisdiction over Children (Ireland) Act, 1884, and the reference to section ten of the first-mentioned Act shall be construed as a reference to section four of the last-mentioned Act.

The reference to the provisions of the first-mentioned Act with respect to recognizances to be of good behaviour shall be construed as a reference to the provisions of the Petty Sessions (Ireland) Act, 1851, with respect to recognizances to keep the peace.

14 & 15 Vict. c. 93.

The reference to the First Schedule of the first-mentioned Act shall not apply.

For the provisions of this Act giving power to make rules under the first-mentioned Act the following provision shall be substituted:—

"The Lord Chancellor of Ireland may make rules regulating the procedure of courts of summary jurisdiction under this Act, and other matters incidental thereto, and all rules so made shall be laid as soon as may be before both Houses of Parliament":

22 & 23 Vict. c. 32. 2 & 3 Vict. c. 71. 3 & 4 Vict. c. 84.

(8) The Dublin Police Act, 1859, shall be substituted for the Metropolitan Police Courts Acts, 1839 and 1840:

29 & 30 Vict. c. 31.

(9) The Union Officers (Ireland) Superannuation Acts, 1865 and 1872, shall be substituted for the Superannuation (Metropolis) Act, 1866:

11 & 12 Vict. c. 42. 14 & 15 Vict. c. 93.

(10) For references to the Indictable Offences Act, 1848, there shall be substituted references to the Petty Sessions (Ireland) Act, 1851, and for references to particular provisions of the first-mentioned Act there shall be substituted references to the corresponding provisions of the last-mentioned Act:

(11) The prohibition of the purchase of old metal from children and young persons shall not apply:

(12) For the prohibition against taking any pawns from children the following provision shall be substituted:—

"If a pawnbroker takes an article in pawn from any person apparently under the age of fourteen

years, he shall be liable on summary conviction to a fine not exceeding ten pounds with the right of appeal in the manner provided by the Summary Jurisdiction Acts irrespective of the amount of the fine":

(13) Inspector of Reformatory and Industrial Schools in Ireland shall be substituted for Chief Inspector and Chief Inspector of Reformatory and Industrial Schools respectively, and Assistant Inspector of Reformatory and Industrial Schools in Ireland shall be substituted for Assistant Inspector:

(14) In relation to a board of guardians "funds of the union" shall be substituted for "common fund":

(15) Any reference to the Poor Removal Act, 1846, to the Poor Law Act, 1879, to the Canal Boats Act, 1877, or to an order of affiliation shall not apply: 9 & 10 Vict. c. 66. 42 & 43 Vict. c. 54. 40 & 41 Vict. c. 69.

(16) Any reference to the Criminal Appeal Act, 1907, or to an appeal to the Court of Criminal Appeal shall not apply: 7 Edw. 7. c. 23.

(17) The provisions of this Act relating to children liable to be sent to industrial schools shall extend and apply to any child who is found destitute, being an orphan:

(18) In the application of the provisions of Part IV. of this Act relating to the sending, removal, and transfer, respectively, of a youthful offender or child to and from a certified school, the following provision shall apply:

"Provided that a youthful offender or child who appears to belong to the Roman Catholic Church shall not be ordered to be sent, removed, or transferred to any school save to a certified school conducted in accordance with the doctrines of that church, and a youthful offender or child who does not appear to belong to the Roman Catholic Church shall not be ordered to be sent, removed, or transferred to any school conducted in accordance with the doctrines of that church:

For the purposes of this section the youthful offender or child shall be deemed to belong to the religious persuasion to which his parents belong, and, in all cases where his parents do not belong to the same religious persuasion, or where the religious persuasion of his parents is unknown, the youthful offender or child shall be deemed to belong to the religious persuasion in which he appears to have been baptized or, that not appearing, to which he professes to belong":

(19) The local authority for the purposes of Part IV. of this Act shall be the council of any county and the council of any county borough, both as respects a reformatory and as respects an industrial school, and the expenses incurred by a local authority under Part IV. of this

Act shall be defrayed in the case of a county council out of the county fund, as a county at large charge, and in the case of a county borough council out of any rate or fund applicable to the purposes of the Public Health (Ireland) Acts, 1878 to 1907, as if incurred for sanitary purposes, or out of any other rate or fund which the Local Government Board for Ireland may on the application of the council approve, and land may be acquired by a local authority for the purposes of Part IV. of this Act as for the purposes of the Local Government (Ireland) Act, 1898, and the borrowing powers conferred on local authorities by Part IV. of this Act may be exercised, both as respects a reformatory and as respects an industrial school, in the case of a county council under the Local Government (Ireland) Act, 1898, and in the case of a county borough council under the Public Health (Ireland) Acts, 1878 to 1907:

61 & 62 Vict. c. 37.

61 & 62 Vict. c. 37.

(20) For the provisions of this Act relating to the enforcement of an attendance order the following provision shall be substituted: "A court of summary jurisdiction "constituted in accordance with the provisions of the "Irish Education Act, 1892, may, if it thinks fit, on "complaint of a school attendance committee made "under section four of that Act for the purpose of "enforcing an attendance order, order a child to be "sent to a certified day industrial school, or, if it "appears to the court that there is no such school "suitable for the child, to a certified industrial school, "either in addition to or without inflicting any fine "under that section," and references in this Act to a "local education authority," where they occur in relation to day industrial schools or in relation to children sent to industrial schools at the instance of a local education authority, shall be construed as references to the school attendance committee appointed under the Irish Education Act, 1892, and the expression "area of any local education authority" shall mean any place to which that Act applies, and the expenses incurred and moneys received by a school attendance committee under this Act shall be defrayed and applied in like manner as expenses incurred and moneys received by that committee under that Act. Other references to a local education authority shall be construed as references to the council of the county or county borough, and references to a public elementary school shall be construed as references to a national school, and any reference to the Elementary Education Act, 1876, or to the Education Acts, 1870 to 1907, or any of those Acts, shall not apply:

55 & 56 Vict. c. 42.

55 & 56 Vict. c. 42.

39 & 40 Vict. c. 79.

(21) Any relief which can under this Act be given to the parent or other person ordered to contribute to the industrial training and meals of a child sent to a day industrial school shall be given by the board of guardians of the poor law union in which the parent or other person is resident, and shall be charged to the union:

(22) An order made upon a parent or other person to contribute to the maintenance or expenses of a youthful offender or child under Part IV. of this Act and any other order enforceable in like manner may be enforced in the manner provided by section twenty-five of the Irish Reformatory Schools Act, 1868: 31 & 32 Vict. c. 59.

(23) Payments required by this Act to be made from the police fund of a district shall be made by the police authorities of the district, and those authorities shall be repaid in like manner as the said police fund, and the definitions of police authority and police fund in this Act shall not apply:

(24) The expression "petty sessional division" in the police district of Dublin metropolis shall mean that district, and elsewhere in Ireland shall mean the petty sessions district:

(25) No licence shall be granted in respect of a child under the age of fourteen years detained in a certified school except upon the condition of the child attending regularly some national or other efficient school named in the licence, and being a school under the management of a manager belonging to the religious persuasion to which the child belongs:

(26) A board of guardians may, with the consent of the Local Government Board for Ireland, contribute to the funds of any society or body corporate for the prevention of cruelty to children:

(27) The expression "managers of a district poor law school" in Part IV. of this Act means the board of management of a school for any two or more unions established under the Poor Relief (Ireland) Acts, 1838 to 1900, and the expression "district poor law school" means a school so established:

(28) The reference to the Criminal Evidence Act, 1898, shall not apply, but, in any proceeding against any person for an offence under Part II. of this Act, or for any of the offences mentioned in the First Schedule to this Act, such person shall be competent but not compellable to give evidence, and the wife or husband of such person may be required to attend to give evidence as an ordinary witness in the case, and shall be competent but not compellable to give evidence: 61 & 62 Vict. c. 36.

(29) The provisions of section one hundred and twenty of this Act (relative to the exclusion of children from

bars of licensed premises) shall not apply in the case of any child going to or being upon licensed premises if a substantial part of the business carried on upon the premises is a drapery, grocery, hardware, or other business wholly unconnected with the sale of intoxicating liquor, and the child, or the person (if any) in whose custody the child is, goes to or is upon the premises for the purpose of purchasing goods other than intoxicating liquor for consumption on the premises; and the reference in the said section to the Licensing Acts, 1828 to 1906, shall be construed as a reference to the Licensing (Ireland) Acts, 1833 to 1905.

Short title, commencement, and repeal.

134.—(1) This Act may be cited as the Children Act, 1908.

(2) Save as otherwise expressly provided, this Act shall come into operation on the first day of April, nineteen hundred and nine.

(3) The enactments mentioned in the Third Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule: Provided that nothing in this repeal shall affect any notice or certificate given or any appointment or rules made under any enactment hereby repealed, and every such notice, certificate, appointment, and rules shall have effect as if given or made under this Act.

SCHEDULES.

PART II.

FIRST SCHEDULE.

24 & 25 Vict. c. 100. 48 & 49 Vict. c. 69. 42 & 43 Vict. c. 34. 60 & 61 Vict. c. 52.

Any offence under sections twenty-seven, fifty-five, or fifty-six of the Offences Against the Person Act, 1861, and any offence against a child or young person under sections five, forty-two, forty-three, fifty-two, or sixty-two of that Act, or under the Criminal Law Amendment Act, 1885.

Any offence under the Dangerous Performances Acts, 1879 and 1897.

Any other offence involving bodily injury to a child or young person.

Section 128.

SECOND SCHEDULE.

First column. Adults pleading guilty.	Second column. Adults consenting.
	Committing an indecent assault upon a person, whether male or female, who in the opinion of the court is under the age of sixteen years.

THIRD SCHEDULE.

Section 134.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
17 & 18 Vict. c. clxix.	The Middlesex Industrial Schools Act, 1854.	The whole Act.
29 & 30 Vict. c. 117.	The Reformatory Schools Act, 1866.	The whole Act.
29 & 30 Vict. c. 118.	The Industrial Schools Act, 1866.	The whole Act.
31 & 32 Vict. c. 25.	The Industrial Schools (Ireland) Act, 1868.	The whole Act.
31 & 32 Vict. c. 59.	The Irish Reformatory Schools Act, 1868.	The whole Act, except section twenty-five.
33 & 34 Vict. c. 75.	The Elementary Education Act, 1870.	Sections twenty-seven and twenty-eight. Section fifty-two, so far as it relates to industrial schools.
34 & 35 Vict. c. 112.	The Prevention of Crimes Act, 1871.	Section fourteen.
35 & 36 Vict. c. 21.	The Reformatory and Industrial Schools Acts Amendment Act, 1872.	The whole Act.
35 & 36 Vict. c. 62.	The Education (Scotland) Act, 1872.	Section forty-one.
35 & 36 Vict. c. 93.	The Pawnbrokers Act, 1872.	In section thirty-two the words "to "be under the age of twelve years "or."
36 & 37 Vict. c. 86.	The Elementary Education Act, 1873.	Section fourteen.
37 & 38 Vict. c. 47.	The Prisons Authorities Act, 1874.	The whole Act.
38 & 39 Vict. c. lxxxvii.	The Middlesex Industrial Schools Act, 1875.	The whole Act.

Session and Chapter.	Short Title.	Extent of Repeal.
39 & 40 Vict. c. 79.	The Elementary Education Act, 1876.	Section twelve, from "A child shall be sent" to the end of the section. In section thirteen the words "or the "Industrial Schools Act, 1866, to "an industrial school," and the words "or the Industrial Schools Act, 1866." Section fourteen. Section fifteen. Section sixteen. Section seventeen.
40 & 41 Vict. c. 53.	The Prisons (Scotland) Act, 1877.	Section sixty-seven.
41 & 42 Vict. c. 40.	The Prisons Authorities Act (1874) Amendment Act, 1878.	The whole Act.
42 & 43 Vict. c. 48.	The Elementary Education (Industrial Schools) Act, 1879.	The whole Act.
42 & 43 Vict. c. 49.	The Summary Jurisdiction Act, 1879.	Subsection (1) of section eleven from the words "and if the young person is a male" to the end of the subsection. In section fifteen, the words "imprisoned for a longer period than "one month nor."
43 & 44 Vict. c. 15.	The Industrial Schools Acts Amendment Act, 1880.	The whole Act.
44 & 45 Vict. c. 29.	The Reformatory Institutions (Ireland) Act, 1881.	The whole Act.
47 & 48 Vict. c. 19.	The Summary Jurisdiction over Children (Ireland) Act, 1884.	Subsection (1) of section five from the words "and if the young person is a male," to end of subsection. In section six the words "imprisoned "for a longer period than one "month nor."
47 & 48 Vict. c. 40.	The Reformatory and Industrial Schools (Manx Children) Act, 1884.	The whole Act.
48 & 49 Vict. c. 19.	The Industrial Schools (Ireland) Act, 1885.	The whole Act.

Session and Chapter.	Short Title.	Extent of Repeal.
48 & 49 Vict. c. 69.	The Criminal Law Amendment Act, 1885.	Section four, from "and if, having regard" to "as if he or she had been sworn."
54 & 55 Vict. c. 23.	The Reformatory and Industrial Schools Act, 1891.	The whole Act.
56 & 57 Vict. c. 12.	The Day Industrial Schools (Scotland) Act, 1893.	Section three. Section four, from "an order under this section" to the end of the section. Section five. Section six. Section seven. In section eight the words "or "under the Industrial Schools Act, "1866." Section nine.
56 & 57 Vict. c. 48.	The Reformatory Schools Act, 1893.	The whole Act.
57 & 58 Vict. c. 33.	The Industrial Schools Acts Amendment Act, 1894.	The whole Act.
58 & 59 Vict. c. 17.	The Reformatory and Industrial Schools (Channel Islands Children) Act, 1895.	The whole Act.
60 & 61 Vict. c. 57.	The Infant Life Protection Act, 1897.	The whole Act.
62 & 63 Vict. c. 12.	The Reformatory Schools Act, 1899.	The whole Act.
63 & 64 Vict. c. 53.	The Elementary Education Act, 1900.	Section four.
1 Edw. 7. c. 20	The Youthful Offenders Act, 1901.	The whole Act.
2 Edw. 7. c. 42	The Education Act, 1902.	Paragraph (8) of the Third Schedule to "Elementary Education Act, 1873, and," and in the same paragraph the words "for the second "reference in that section the "Education Department and "also."
4 Edw. 7. c. 15	The Prevention of Cruelty to Children Act, 1904.	Section one. In section two, paragraph (*a*). In section four, the words "or any "of the offences mentioned in the

Session and Chapter.	Short Title.	Extent of Repeal.
4 Edw. 7. c. 15 —*cont.*	- - - -	"First Schedule to this Act," and paragraph (*b*). Sections five to eleven. In section twelve, the words "or for "any of the offences mentioned "in the First Schedule to this "Act." Section thirteen. Section fourteen. In section fifteen, the words "or for "any of the offences mentioned "in the First Schedule to this "Act." Section sixteen. In section seventeen, the words "or "any of the offences mentioned "in the First Schedule to this "Act." In section eighteen, the words "or "any of the offences mentioned in "the First Schedule to this Act," and the words "or of an offence "mentioned in the First Schedule "to this Act," and "or any offence "mentioned in the First Schedule "to this Act," and subsection (2) from "and may charge him with "the offences" to the end of that subsection. Section nineteen, from "or when in "the case" to "decision of the "court," and the words "or order "or decision." Section twenty. Section twenty-one. In section twenty-three, subsection (2). Section twenty-five. Section twenty-six. Section twenty-eight. In section twenty-nine, the definitions of "street," "place of safety," and "Industrial Schools Acts." In section thirty, the words "The "Secretary for Scotland shall be "substituted for a Secretary of "State," and the words from "The expression 'court of sum- "'mary jurisdiction'" to the end of the section. In section thirty-one, the words "The "Chief Secretary shall be substi- "tuted for a Secretary of State." The Schedules.
4 Edw. 7. c. 27	The Secretary for Scotland Act, 1904.	The whole Act.

Session and Chapter.	Short Title.	Extent of Repeal.
7 Edw. 7. c. 17	The Probation of Offenders Act, 1907.	In section one, subsection (3), from "and if the offender" to the end of the subsection. Subsection (4) of section six, from "In the case" to the end of the subsection.
8 Edw. 7. c. xxvii.	The Edinburgh Corporation (Tramways, &c.) Order Confirmation Act, 1908.	Subsections (1) and (3) of section fifteen of the Schedule.

CHAPTER 68.

An Act to provide for the improvement and better administration of the Port of London, and for purposes incidental thereto. [21st December 1908.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

ESTABLISHMENT OF PORT OF LONDON AUTHORITY.

Establishment of Port of London Authority

1.—(1) An authority (in this Act referred to as the Port Authority) shall be established for the purpose of administering, preserving, and improving the port of London and otherwise for the purposes of this Act.

(2) The Port Authority shall be a body corporate by the name of the Port of London Authority, with a common seal, having power to acquire and hold land for the purposes of this Act without licence in mortmain.

(3) The Port Authority shall consist of a chairman and vice-chairman and other members elected and appointed in manner provided by this Act.

(4) Subject to the provisions of this section, the chairman and vice-chairman shall be appointed by the Port Authority; the person to be appointed to either such office may, but need not, be an elected or appointed member.

(5) Subject to the provisions of this section, the number of elected members shall be eighteen, of whom seventeen shall be elected by payers of dues, wharfingers, and owners of river craft, and one shall be elected by wharfingers.

(6) Subject to the provisions of this section, the number of the appointed members shall be ten, appointed as follows:—

By the Admiralty - - - - -	1
By the Board of Trade - - -	2

By the London County Council (being members of the Council) - - -	2
By the London County Council (not being members of the Council) - -	2
By the Corporation (being a member of the Corporation) - - - -	1
By the Corporation (not being a member of the Corporation) - - -	1
By the Trinity House - - - -	1

(7) With a view to providing for the representation of labour on the Port Authority, one of the members of the Port Authority appointed by the Board of Trade shall be appointed by the Board after consultation with such organisations representative of labour as the Board think best qualified to advise them upon the matter, and one of the members of the Port Authority appointed by the London County Council shall be appointed by the council after consultation with such organisations representative of labour as the council think best qualified to advise them upon the matter.

(8) Until the time fixed by this Act for the first retirement of members, two at least of the members of the Port Authority shall be persons of experience in dock management, and, if in order to enable this requirement to be observed it is necessary to do so, the Board of Trade may appoint one or two additional appointed members.

(9) Subject to the provisions of this section, the Port Authority may pay to the chairman, vice-chairman, and chairman of any committee, or to any of them, such salaries or salary as the Port Authority may determine.

(10) Subject to the provisions of this section, the provisions contained in the First Schedule to this Act shall have effect with respect to the constitution and proceedings of the Port Authority and the election and appointment of members.

(11) The first elected members, instead of being elected as provided by this Act, shall be appointed by the Board of Trade after consultation with such persons and bodies having knowledge and experience of trade or shipping in the Port of London as the Board may think fit, and the first chairman shall, if the Board think fit, be appointed by the Board, and shall, if appointed by the Board, be paid such salary (if any) as the Board may determine.

POWERS AND DUTIES OF PORT AUTHORITY AS TO ACCOMMODATION AND FACILITIES.

General duties of Port Authority as to improvement of accommodation and facilities.

2.—(1) It shall be the duty of the Port Authority, as soon as may be after the appointed day, to take into consideration the state of the river and the accommodation and facilities afforded in the Port of London, and, subject to the provisions of this Act, to take such steps as they may consider necessary for the improvement thereof.

(2) For the purposes aforesaid the Port Authority may, subject to the provisions of this Act, do all or any of the following things:—

(*a*) carry on the undertaking of any dock company transferred to the Port Authority by this Act;

(*b*) acquire and carry on any undertaking affording or intended to afford accommodation or facilities for the loading, unloading or warehousing of goods in the Port of London;

(*c*) construct, equip, maintain, or manage any docks, quays, wharves, jetties, locks, or piers, and buildings, railways, and other works in connexion therewith;

(*d*) exercise any other powers conferred on or transferred to the Port Authority by or under this Act.

Transfer to Port Authority of undertakings of dock companies.

3.—(1) As from the appointed day the undertakings of the London and India Docks Company, the Surrey Commercial Dock Company, and the Millwall Dock Company (which companies are in this Act referred to as dock companies) shall be transferred to and vest in the Port Authority, and the Port Authority shall issue to those companies, or as they may direct, as consideration for their undertakings the following amounts of port stock created under this Act—

(*a*) in the case of the London and India Docks Company, seven million nine hundred and seventy-eight thousand eight hundred and seventy-six pounds of A port stock and nine million eight hundred and ninety-three thousand eight hundred and thirty-five pounds of B port stock:

(*b*) in the case of the Surrey Commercial Dock Company, five hundred and twenty-two thousand pounds of A port stock and two million three hundred and eighty-eight thousand four hundred and eighty-five pounds of B port stock:

(*c*) in the case of the Millwall Dock Company, six hundred and fifty-one thousand two hundred and seventy-six pounds of A port stock and nine hundred and twenty-eight thousand five hundred and four pounds of B port stock.

(2) The stocks so issued shall be substituted for the existing debenture and other stocks of the dock companies in accordance with the provisions of the Second Schedule to this Act, and on such substitutions being effected the existing debenture and other stocks of those companies shall be cancelled:

Provided that no interest shall accrue due on any such existing stock in respect of any period after the appointed day, but the port stock issued in substitution therefor shall carry interest as from the appointed day.

(3) Subject to the provisions of this Act and of any order of the Board of Trade made under this section, on the transfer of any such undertaking the Port Authority shall hold the under-

taking, and may exercise all the rights, powers, and privileges of the company, and shall, to the exclusion of the company, be subject to all the duties, obligations, and liabilities of the company (other than those in respect of the debenture stock of the company) under the Acts, whether local or general, and other provisions relating to or affecting the company, and to all other duties, liabilities, and obligations of the company existing at the appointed day, in like manner as if they were the company.

(4) The Board of Trade may make such orders as may be necessary for the purpose of enabling the transfers to be effected and enabling the Port Authority to carry on the undertakings when transferred.

Power to purchase undertakings.

4.—(1) It shall be lawful for the Port Authority and the owners of any undertaking affording or intended to afford accommodation or facilities for the loading, unloading, or warehousing of goods in the Port of London with the consent of the Board of Trade to enter into and carry into effect an agreement for the transfer of the undertaking to the Port Authority, and the Board of Trade may, on the application of the Port Authority or the owners, make such orders as may be necessary for the purpose of enabling the agreement to be carried into effect, and any such order may (amongst other things) provide, if the owners are a company, for the redemption and payment off of any debentures or debenture stock of the company, and for the dissolution of the company, and, if the whole or any part of the consideration under the agreement consists of port stock, as to the period within which provision is to be made for the redemption of that port stock.

(2) If the Port Authority desire to purchase any such undertaking but are unable to come to an agreement with the owners of the undertaking, it shall be lawful for the Port Authority to promote a Bill in Parliament for the purpose.

Power to Port Authority to enter into agreements with London County Council as to transfer of piers, &c.

5. The Port Authority and the London County Council may enter into and carry into effect agreements for or with respect to the acquisition by or transfer to the Port Authority, on such terms and conditions as may be agreed, of any piers and landing places belonging to or held by the said council, together with the powers of making byelaws, appointing tolls, rates, or charges, and of levying and enforcing the same, and with all other rights, powers, and authorities vested in or exerciseable by the said council in respect of such piers and landing places, and, upon such acquisition or transfer, all the said powers, rights, and authorities shall become vested in and exerciseable by the Port Authority.

Power of Board of Trade to authorise construction of works, &c.

6.—(1) The Board of Trade may on the application of the Port Authority make an order—

(*a*) authorising the construction and equipment of such docks, quays, wharves, jetties, or piers, and buildings, railways, and other works in connexion therewith as may be specified in the order;

(*b*) authorising the purchase and taking otherwise than by agreement of such land as may be specified in the order;

(*c*) authorising the imposition, levying, collection, and recovery of such dues, rates, tolls, and other charges in respect of the use of any works proposed to be constructed in pursuance of an order under this section, and conferring such powers of management of those works, as may be specified in the order;

(*d*) authorising the Port Authority to charge to capital as part of the cost of construction of any work authorised by the order, the interest on any money raised to defray the expenses of construction of any such work and the acquisition of land for the purpose, for such period and subject to such restrictions as may be mentioned in the order:

Provided that—

(i) no land shall be authorised by an order under this section to be acquired compulsorily which is situate to the westward of the meridian six minutes of longitude east of Greenwich or which has been acquired by the owners thereof under any Local Act, Provisional Order, or order having the force of an Act of Parliament;

(ii) an order authorising the construction of new works shall impose on the Port Authority an obligation to provide such housing accommodation for the persons to be employed at the new works when constructed as the Board of Trade may from time to time consider requisite; and

(iii) Nothing in this section shall, without the consent of the Board of Agriculture and Fisheries, authorise the acquisition of any common or commonable land, or any recreation ground, village green, or other open space dedicated to the use of the public, or any disused burial ground.

(2) Before making an order under this section, the Board of Trade shall appoint an impartial person, not in the employment of any Government Department, to hold a public inquiry on their behalf, and, if he reports or if it appears to the Board of Trade that by reason of the extent or situation of any land proposed to be acquired compulsorily, or the purposes for which such land is used, or any other circumstances, the land ought not to be acquired compulsorily without the sanction of Parliament, the order of the Board shall be provisional only and shall not have effect unless confirmed by Parliament.

(3) Any order made under this section authorising the purchase and taking of land otherwise than by agreement shall incorporate the Lands Clauses Acts as if the order were a special Act within the meaning of those Acts.

(4) An order other than a Provisional Order made by the Board of Trade under this section shall not take effect until a draft thereof has lain for thirty days during the session of Parliament on the table of both Houses of Parliament, and, if either House during those thirty days presents an address to His Majesty against the draft, no further proceedings shall be taken thereon but without prejudice to the making of a new order.

PROVISIONS AS TO THE THAMES CONSERVANCY.

Transfer of powers, &c. of Thames Conservators in respect of lower river.

7.—(1) Subject to the provisions of this Act, as from the appointed day there shall be transferred to the Port Authority all rights, powers, and duties of the Conservators of the River Thames (in this Act referred to as the Conservators) in respect of the River Thames below the landward limit of the Port of London and there shall also be transferred from the Conservators to the Port Authority the lower navigation fund and all liabilities in respect of, and any sinking fund applicable to the redemption of, the Thames Conservancy redeemable A debenture stock, and all property and liabilities of the Conservators held, acquired, or incurred in respect of the Thames below the landward limit of the Port of London.

(2) All enactments relating to the Conservators (except those regulating the funds and accounts of and borrowing by the Conservators) shall, so far as not repealed by this Act and so far as they relate to the rights, powers, duties, property, and liabilities transferred, have effect as if references to the Port Authority were substituted for references to the Conservators:

Provided that—

(*a*) in any such enactments references to the Port of London shall be construed as references to the Port of London as defined by this Act; and

(*b*) in any such enactments references to the River Thames above and below Teddington Lock shall be construed as references to the River Thames above and below the landward limit of the Port of London; and

57 & 58 Vict. c. clxxxvii.

(*c*) in the definition of "the Thames" in section three of the Thames Conservancy Act, 1894, for "an "imaginary straight line drawn from the entrance "to Yantlet Creek in the county of Kent to the "city stone opposite to Canvey Island in the county "of Essex," there shall be substituted "the seaward "limit of the port of London"; and in that definition after the words "railway company" there shall be inserted the words "and no part of the River "Medway within the jurisdiction of the Conserva-"tors of that river"; and

(*d*) for the proviso to subsection (1) of section eighty-three of the Thames Conservancy Act, 1894 (which relates to the area within which the powers of dredging are

exerciseable), there shall be substituted, "Provided "that the Board of Trade may, on the application "of the Port Authority, by Provisional Order extend "the area within which the powers under this sub-"section may be exercised so as to include so much "of the estuary of the River Thames and the shores "thereof to the eastward of the seaward limit of "the Port of London as is westward of such line "as may be fixed by the Provisional Order"; and

(*e*) so much of the Thames Conservancy Act, 1894, as exempts from duties of tonnage, vessels for passengers only shall be repealed; and

(*f*) so much of the Thames Conservancy Act, 1905, as limits the period during which the increased duties of tonnage authorised by that Act may be demanded and received shall be repealed; and 5 Edw. 7. c. cxcviii.

(*g*) enactments relating to powers and duties as to house-boats, and pleasure boats shall not apply to the Port Authority; and

(*h*) the powers and duties of the Port Authority and their officers with respect to fishing boats, fish, and fishing, shall, unless and until such an order as is herein-after mentioned is made, extend to the line drawn from Yantlet Creek to the city stone opposite to Canvey Island but not eastward of that line, but the Board of Agriculture and Fisheries may, with the consent of the Board of Trade, make an order either—

(i) excluding from the Kent and Essex sea fisheries district such part of the Port of London as is included therein, and extending the said powers and duties of the Port Authority and their officers to the part of the Port of London eastward of the said line; or

(ii) extending the Kent and Essex sea fisheries district to such part of the Port of London westward of the said line as may be specified in the order, and excluding such part from the area within which the said powers and duties of the Port Authority and their officers may be exercised and performed;

and any order made for that purpose shall have effect as if it was an amending Order made under the Sea Fisheries Regulation Act, 1888; and 51 & 52 Vict. c. 54.

(*i*) if the Port Authority revoke any licence for any of the purposes mentioned in sections one hundred and nine and one hundred and ten of the Thames Conservancy Act, 1894, granted by the Conservators or their predecessors and in force at the appointed day, or refuse to grant a licence for any such purpose on reasonable terms, the licencee or applicant may appeal against the revocation or refusal to the Board of Trade and

the decision of the Board of Trade shall be final and binding on both parties; and

(*j*) subsection (4) of section one hundred and ninety-three of the Thames Conservancy Act, 1894, relating to the publication of alterations in and additions to byelaws shall not apply; and

(*k*) so much of any such enactments as confers powers in relation to pollution shall not apply in the case of any tributaries of the Thames in the county of Middlesex.

(3) Nothing in this section shall be construed as conferring on the Port Authority any right or interest in or to the bed or shore of the River Thames eastward of the said line drawn from Yantlet Creek to the city stone opposite to Canvey Island, or as authorising the Port Authority, except with the consent of a Government Department, to take, use, or in any manner interfere with, or to authorise any person to take, use, or interfere with any portion of the bed or shore of the Thames eastward of the said line, which, or the management of which, is vested in that Department, and sections one hundred and sixteen and two hundred and thirty-nine of the Thames Conservancy Act, 1894, shall not apply with respect to the Thames eastward of the said line; but a Government Department may transfer to the Port Authority upon such terms as may be respectively agreed on between them and the Port Authority any interest or right of His Majesty in right of His Crown, or His Duchy of Lancaster, or of the Department, in or to any portion of the bed or shore of the Thames between the said line and the line drawn from Warden Point to the entrance of Havengore Creek the management whereof is vested in the Department.

Reconstitution of Conservators.

8.—(1) As from the appointed day the number of Conservators shall be twenty-eight, who shall be appointed by the authorities and in the manner set forth in the Third Schedule to this Act, and the persons who immediately before that day are the Conservators shall cease to hold office as such: Provided that nothing in this section shall prevent the appointment thereunder as a Conservator of any person who was a Conservator immediately before the appointed day.

(2) As from the appointed day all moneys received by the Conservators shall be paid into, and all expenses incurred by the Conservators shall be paid out of, and all moneys borrowed by the Conservators shall be charged on the upper navigation fund, whether received, incurred, or borrowed in respect of the Thames above or below the City Stone above Staines Bridge, and in sections two hundred and forty-one to two hundred and eighty-seven of the Thames Conservancy Act, 1894 (being provisions regulating the funds and accounts of, and borrowing by, the Conservators), references to the Thames above the landward limit of the Port of London shall be substituted for references to the Thames above the City Stone above Staines Bridge.

(3) All moneys payable to the Conservators by the Metropolitan Water Board, the West Surrey Water Company, the South West Suburban Water Company, and the Woking Water and Gas Company, whether in pursuance of the Thames Conservancy Act, 1894, or otherwise, shall be paid to the Conservators, and no part thereof shall be paid to the Port Authority.

(4) So much of section thirty-three of the Thames Conservancy Act, 1894, as enables the Conservators to set apart a sum for the payment of the Conservators other than the chairman shall as from the appointed day be repealed :

Provided that nothing in this repeal shall prevent the Conservators paying any reasonable expenses incurred by individual Conservators in attending meetings of the Board of Conservators and committees thereof or otherwise in the execution of their duties as Conservators.

(5) One hundred and thirty thousand pounds shall be substituted for one hundred thousand pounds as the maximum sum which the Conservators are authorised to borrow under subsection (2) of section two hundred and fifty-three of the Thames Conservancy Act, 1894 ; and for removing doubts it is hereby declared that the powers of borrowing conferred on the Conservators by that subsection are and shall be deemed always to have been in addition to the power of the Conservators of creating and issuing debenture stock for the purposes mentioned in paragraphs (*b*) and (*c*) of subsection (2) of section two hundred and fifty-nine of that Act.

(6) The right of the Conservators to appoint a member of the Metropolitan Water Board shall be retained by the Conservators and shall not be transferred to the Port Authority.

(7) On complaint being made to the Local Government Board—

(*a*) by the Port Authority, the Metropolitan Water Board, the London County Council, or the Corporation, or by any local authority or water company who appear to the Local Government Board to be interested, that the Conservators have failed to perform the duties imposed upon them with respect to the preservation and maintenance of the flow and purity of the Thames and its tributaries, or have failed to exercise any powers conferred upon them for that purpose ; or

(*b*) by the council of any county, borough, district, or parish adjoining the Thames, that the Conservators have failed to exercise any powers conferred on them for the purpose of preserving the rights and interests of the public in respect to the Thames and its towpaths which they ought to have exercised ;

the Local Government Board, if they think that there is reasonable ground of complaint, shall call upon the Conservators for an explanation, and, if the Conservators shall not, within such time as the Local Government Board may fix, give a sufficient

explanation or remedy the cause of complaint, the Local Government Board may make such order as in their opinion the circumstances require, and such order shall be binding on the Conservators.

The Local Government Board may in any case in which they may think fit so to do, hold a local inquiry for the purposes of this section, and the provisions of section seventy-two of the Local Government Act, 1894, with respect to local inquiries by the Local Government Board shall apply to any local inquiries so held.

56 & 57 Vict. c. 73.

(8) The Board of Trade may by Provisional Order make such amendments, modifications, and repeals of the enactments relating to the Conservators, so far as they continue to apply to the Conservators after the appointed day, as the Board may consider to be necessary in consequence of the passing of this Act, and in particular any such Provisional Order may contain provisions for—

(*a*) regulating the term of office, rotation, disqualification, removal and appointment to casual vacancies of the Conservators;

(*b*) revising the tolls, fees, and other charges (except the sums which are payable to the Conservators by the Metropolitan Water Board or any water company) leviable by the Conservators.

Substitution of port stock for Thames Conservancy A debenture stock.

9.—(1) Within one year from the appointed day all the Thames Conservancy redeemable A debenture stock shall be extinguished, and the Port Authority shall issue to the holder of any such stock in substitution therefor an equal amount of A port stock created under this Act.

(2) As soon as the Port Authority resolve to issue port stock in substitution for any debenture stock in accordance with this section they shall give notice of their intention to do so by advertising it once in the "London Gazette" and in two or more London daily newspapers, and by sending notice by post to each of the holders of the debenture stock to his registered address, and the notice shall specify the place and the time, not being less than three months from the date of the notice, at which the issue of the port stock will be made.

(3) Before port stock is issued under this section in substitution for any debenture stock the certificate of that stock shall be produced and delivered to the Port Authority. Provided that the Port Authority shall dispense with the production and delivery of a certificate upon receiving such indemnity as may be reasonably required.

(4) As from the time fixed by the notice for the issue of port stock in substitution for any debenture stock, that debenture stock shall be cancelled and extinguished and no interest shall after that time accrue due in respect thereof, but the port stock issued in substitution therefor shall carry interest as from the time so fixed.

Relations between Port Authority and the Conservators.

10.—(1) The Port Authority may make arrangements with the Conservators for the exercise by the Conservators in the Port of London on behalf of the Port Authority of the powers of the Port Authority for regulating the passage of vessels on the Thames on the occasion of a regatta, boat race, or other similar occasion.

(2) Where a steam launch has been registered, either by the Port Authority or the Conservators, and a certificate thereof is in force, its registration by the other of those authorities shall not be required, and the Port Authority and the Conservators may respectively, during office hours, inspect the register of steam launches kept by the other, and shall afford to one another all reasonable information in regard thereto.

PROVISIONS AS TO THE WATERMEN'S COMPANY, &C

Transfer of certain powers and duties of the Watermen's Company.

11.—(1) Subject to the provisions of this Act, as from the appointed day there shall be transferred to the Port Authority all powers and duties of the Master, Wardens, and Commonalty of Watermen and Lightermen of the River Thames (in this Act referred to as "the Watermen's Company") and of the Court of Master, Wardens, and Assistants of the Watermen's Company (in this Act referred to as "the Court of the Watermen's Company") with respect to—

(*a*) the registration and licensing of craft and boats;

(*b*) the licensing of lightermen and watermen; and

(*c*) the government, regulation, and control of lightermen and watermen (including the appointment of plying places and of inspectors);

and there shall also be transferred from the Company to the Port Authority all property and liabilities of the Company held, acquired or incurred by the Company in connexion with the powers and duties so transferred:

Provided that—

(*a*) an arrangement shall be made, unless the Port Authority otherwise determine, between the Port Authority and the Watermen's Company for the exercise and performance by the Company on behalf of the Port Authority of any of their powers and duties with respect to the licensing of lightermen and watermen (other than the power of making byelaws with respect thereto) upon such terms and conditions as may be agreed between the Authority and the Company, but any such arrangement shall provide for an appeal lying to the Port Authority from the refusal by the Watermen's Company to license a lighterman or waterman; and

(*b*) nothing in this section shall be construed as transferring to the Port Authority Watermen's Hall, or the sum of six thousand seven hundred and forty-one pounds

nine shillings Consolidated two-and-a-half per cent. stock standing in the name of the Company, or any debt of the Company outstanding at the appointed day to the discharge of which such stock as aforesaid or the proceeds thereof could legally be applied, or the sum of four thousand two hundred and twenty-five pounds six shillings and ten pence Metropolitan Water B Stock standing in the name of the Company, or the freehold property known as Nos. 16 and 17, St. Mary-at-Hill, in the parish of Billingsgate, in the city of London, or any property held for charitable purposes.

(2) All enactments relating to the Watermen's Company and the Court of the Watermen's Company shall, so far as not repealed by this Act, and so far as they relate to the powers and duties transferred, have effect as if references to the Port Authority were substituted for references to the Company and to the Court:

Provided that—

22 & 23 Vict. c. cxxxiii. 56 & 57 Vict. c. xxxi.

(*a*) the limits of the Watermen's and Lightermen's Amendment Act, 1859, and the Thames Watermen's and Lightermen's Act, 1893, shall, except for the purposes of sections fifty-four sixty-six and sixty-seven of the first-mentioned Act, be the limits of the Port of London as defined by this Act; and

(*b*) the Port Authority may by byelaw vary the provisions of sections fifty-six to sixty of the Watermen's and Lightermen's Amendment Act, 1859, and Part VI. of the Thames Conservancy Act, 1894, with respect to the qualifications to be possessed by applicants for lightermen's and watermen's licences and certificates and the conditions on which such licences or certificates are to be granted or renewed, and as from the date on which any such byelaw comes into operation those provisions shall be repealed to such extent as may be specified in the byelaw; but no such byelaw shall so vary those provisions as to authorise the grant of a licence or certificate to a person who has not for a period of at least two years been engaged in working on a craft or boat in the Port of London; and

(*c*) an appeal shall lie to the Board of Trade instead of to a court of summary jurisdiction against a refusal by the Port Authority to register any craft or boat, or against the revocation by the Port Authority of any certificate or licence relating to any craft or boat; and

(*d*) at the end of section three hundred and eleven of the Thames Conservancy Act, 1894 (which exempts certain craft from the provisions of sections fifty-four and sixty-six of the Watermen's and Lightermen's

Amendment Act, 1859), there shall be added the words, "or to any lighters on a voyage commencing "or ending at any place eastward or westward of "the limits of that Act, whether or not goods are in "the course of the voyage taken in or discharged "at any place within those limits," and the expression "limits of that Act," as used in that section as so amended, means the limits of that Act for the purposes of the said sections fifty-four and sixty-six; and

(*e*) so much of any such enactment as limits the fees which may be imposed in respect of the registration or licensing of craft and boats, shall be repealed, but the fees so imposed shall not exceed such as may be allowed by a Provisional Order made by the Board of Trade as soon as practicable after the passing of this Act or any Provisional Order made subsequently varying the same, or, until such first mentioned Provisional Order is confirmed, by an order made for the purpose by the Board of Trade; and

(*f*) the provisions of the Thames Watermen's and Lightermen's Act, 1893, as amended by this Act—

(i) so far as they relate to craft, shall extend to all lighters, barges, and other like craft for carrying goods, and to steam-tugs; and

(ii) so far as they relate to boats, shall extend to all boats, wherries, and other such vessels (including river steamboats) let for hire for carrying persons,

navigating either wholly or partly within the limits of that Act as so amended, except such as are expressly exempted from those provisions or as are employed solely in voyages extending entirely through those limits without taking in or discharging goods or embarking or disembarking passengers within those limits; but section seven of that Act, as so amended, shall not apply to a craft navigating occasionally or exceptionally only within those limits, and where a certificate has been granted under the Merchant Shipping Act, 1894, as to the number of passengers which any river steamboat is fit to carry, that number shall be the number of persons which she shall be licensed to carry under the said Act as so amended; and

57 & 58 Vict. c. 60

(*g*) in considering the fitness of a craft or boat for carrying goods or persons for the purposes of section sixteen of the Thames Watermen's and Lightermen's Act, 1893, the Port Authority shall take into consideration the condition as respects accommodation, sanitary arrangements, and otherwise of the craft or boat

having regard to the purposes for which the craft or boat is intended to be employed; and

(*h*) the power of making byelaws under the Thames Watermen's and Lightermen's Act, 1893, shall include a power of making byelaws regulating the equipment of craft or any class of craft navigated within the limits of that Act as amended by this Act.

Provisions as to freemen and as to Sunday ferries and other charities of the Watermen's Company.

12.—(1) Every person possessing such qualifications as the Court of the Watermen's Company may by byelaw prescribe shall as from the appointed day be qualified to be elected a freeman of the Company.

(2) So much of the Watermen's and Lightermen's Amendment Act, 1859, as relates to Sunday ferries and the appointment and licensing of watermen or lightermen to ply on Sundays, shall as from the appointed day be repealed, and the Port Authority shall pay to the Watermen's Company in respect of any Sunday ferry established under that Act, and existing at the passing of this Act, such sum as, in default of agreement, may be determined by an arbitrator appointed by the Board of Trade.

(3) Penalties and forfeitures paid to the Port Authority under section ninety of the Watermen's and Lightermen's Amendment Act, 1859, as applied by this Act, shall be applied by the Port Authority as part of their general funds, and the Port Authority shall pay to the Watermen's Company in respect of the loss of such penalties and forfeitures such sum as, failing agreement, may be determined by an arbitrator appointed by the Board of Trade.

(4) The sums to be so paid to the Watermen's Company shall be paid into and form part of and be held on the trusts affecting the Poor's Fund of the Watermen's Company.

(5) If the Charity Commissioners are at any time of opinion that by reason of any alteration in the constitution or nature of the Watermen's Company or the qualifications to be possessed by freemen, the trusts affecting the Poor's Fund of the Company require to be modified, the Charity Commissioners may, either on the application of the Watermen's Company or without any such application, establish a scheme under the Charitable Trusts Acts, 1853 to 1894, regulating the application and administration of the Poor's Fund, regard being had to the purposes to which that fund is at the passing of this Act applicable.

FINANCIAL PROVISIONS.

Port rates on goods.

13.—(1) Subject to the provisions of this section, as from such day as may be fixed by the Board of Trade not being more than thirteen weeks after the Provisional Order embodying the schedule mentioned in subsection (2) of this section has been confirmed by Parliament, all goods imported from parts beyond

the seas or coastwise into the Port of London or exported to parts beyond the seas or coastwise from that port, shall, subject to any exemptions or rebates which may be contained in a Provisional Order under this section or allowed by the Port Authority, be liable to such port rates as the Port Authority may fix, not exceeding such rates as may be specified in any Provisional Order, made by the Board of Trade for the time being in force, but the port rates charged by the Port Authority shall at all times be charged equally to all persons in respect of the same descriptions of goods under the like circumstances, and shall be charged separately from any other dues payable to the Port Authority :

Provided that—

(*a*) Nothing in this section shall authorise the Port Authority to charge lower port rates in respect of goods to be discharged from a vessel in a dock of the Port Authority, or to be landed on the premises of or warehoused with the Port Authority, by reason only that the goods are to be so discharged, landed, or warehoused ;

(*b*) The Provisional Order under this section shall provide for exempting from such rates goods imported for transhipment only, or which remain on board the ship in which they were imported for conveyance therein to another port, and may determine what goods are for the purposes of such exemption to be treated as goods imported for transhipment only.

(2) Within six months after the appointed day the Port Authority shall submit to the Board of Trade a schedule of maximum port rates on goods, and the Board of Trade shall embody the schedule in a Provisional Order made for the purposes of this section, either without modifications or with such modifications as the Board think fit, and, if the Port Authority fail within such period as aforesaid to submit to the Board of Trade such a schedule, the Board shall themselves prepare and embody in such a Provisional Order a schedule of maximum port rates on goods :

Provided that the rates specified in the Schedule shall be such that, in the opinion of the Board of Trade, the amount of revenue produced thereby will, with the other receipts on revenue account of the Port Authority, be sufficient to meet the expenditure on all the purposes to which the receipts of the Port Authority on revenue account are by this Act to be applied and to provide a reasonable margin for contingencies.

(3) If in each of two successive years the aggregate amount received from port rates on goods exceeds one-thousandth part of the aggregate value of the goods imported into and exported from the Port of London from and to parts beyond the seas in the year, or, if the amount received from port rates on goods discharged from or taken on board ships not within the premises of a dock of the Port Authority exceeds one three-thousandth part

of the said aggregate value, it shall be the duty of the Port Authority to take the necessary steps to prevent the continuance of the excess, including, if necessary, an application to Parliament to provide them with further means of meeting their financial obligations.

(4) A Provisional Order under this section may provide for the method of the collection and recovery of port rates on goods imposed under this section, and may for that purpose incorporate all or any of the provisions of the Harbours, Docks, and Piers Clauses Act, 1847, with respect to the collection and recovery of rates, so far as they relate to rates on goods, but shall provide that in the event of the owner or consignee of any goods liable to pay any port rates to which those goods are subject under this section not having paid those rates by the time when the goods are ready to be discharged, the owner or master of the vessel in which the goods are carried may himself pay such rates, and thereupon shall have a lien on the goods and all the rights and powers in respect of the same as he would have under Part VII. of the Merchant Shipping Act, 1894, in respect of unpaid freight or other charges, and where the goods are to be delivered to a public wharfinger that he may pay such rates on behalf of the owner or consignee of the goods, and thereupon shall have the like lien on the goods as he would have in respect of charges for the safe custody of the goods; and such Provisional Order may authorise the making of special arrangements respecting the time and method of payment of port rates on goods by any persons who at frequent intervals become liable to pay those rates, whether on their own account or on account of any other persons.

10 & 11 Vict. c. 27.

(5) For the purpose of this section goods shall not be treated as having been imported or exported coastwise unless imported from or exported to a place seaward of a line drawn from Reculvers Towers to Colne Point, being a line determined by the Treasury in pursuance of the power conferred upon them by section one hundred and forty of the Customs Consolidation Act, 1876, or any line that may be substituted therefor by the Treasury in pursuance of such power as aforesaid:

39 & 40 Vict. c. 36.

Provided that with respect to goods originally imported from a place seaward of the said line to a place westward of the said line and thence imported into the Port of London, and with respect to goods exported from the Port of London to a place westward of the said line and thence exported to a place seaward of the said line, such goods shall for the purposes of this subsection be considered as having been imported from or exported to a place seaward of the said line, and not from or to a place westward of the said line, unless they are landed at the latter place, but the authority having jurisdiction in the port of such intermediate place shall, if so required by the Port Authority, collect and pay over to the Port Authority the port rates to which the goods would have been liable had they been imported direct to or exported direct from the Port of London, and for that

purpose shall have all such powers of collecting rates as are by or under this section conferred on the Port Authority, and shall be entitled to be repaid by that authority any expenses properly incurred by them in the exercise of those powers.

Dock dues on vessels.

14. The provisions contained in the enactments relating to the London and India Docks Company conferring on that company power to demand and take rates, rents, and sums in respect of vessels entering, lying in, or departing from the docks, basins, cuts, or entrances of that company, or granting any exemptions or immunities from any such rates, rents, or sums, shall continue to apply in respect of vessels entering, lying in, departing from, or otherwise using the docks, basins, cuts, or entrances and shall also apply in respect of vessels entering, lying in, departing from, or otherwise using docks, basins, cuts, or entrances constructed by the Port Authority under this Act, or transferred from any other dock company to the Port Authority by this Act, and shall as respects docks, basins, cuts, or entrances so transferred be substituted for the provisions as to rates and other charges on vessels contained in the enactments relating to the companies whose undertakings have been so transferred :

Provided that—

(*a*) In the case of the undertaking of the Surrey Commercial Dock Company, this provision shall not apply to vessels passing along the canal of that company, and not otherwise using the docks of that company when transferred ; and

(*b*) Nothing in this section shall be construed as extending any limitation on the immunities conferred by section twenty-eight of the Harbours, Docks, and Piers Clauses Act, 1847, to the case of any dock, basin, cut, or entrance to which that section applied without limitation at the time of the passing of this Act.

Prohibition of preferential dock charges.

15.—(1) The Port Authority shall not make any agreement, nor shall they renew any agreement subsisting at the appointed day by which any preferential dues or allowances on vessels or goods, or for discharging the same, are or may be provided for, but, subject and without prejudice to any express statutory provision and to any agreements which may be subsisting at the appointed day, all dues imposed by the Port Authority in exercise of the powers transferred to or conferred on them by or under this Act, shall be charged equally in respect of all vessels of the same description carrying the same description of goods under the same circumstances or, as the case may be, in respect of all goods of the same description under the same circumstances in the same dock.

(2) This provision shall as from the appointed day be substituted for the provisions contained in the Acts of the several dock companies relating to equality of charges.

Port fund.

16. There shall be established a port fund, and all receipts of the Port Authority shall be carried to that fund, and all payments by the Port Authority shall be made out of that fund.

Security for transferred liabilities.

17.—(1) As from the appointed day any debentures, debenture stock, mortgage debts, or other charges, the liability for which is by or under this Act transferred to the Port Authority, secured on the whole or any part of the undertaking or revenue of a dock company, or on the lower navigation fund or any revenue of the Conservators, shall, with the interest thereon, be, by virtue of this enactment, secured in like manner on the port fund; and any debentures, debenture stock, mortgage debts, or other charges secured on any specific property of any such company or the Conservators, the liability for which is so transferred, shall remain charged on that property; and any debenture holder, holder of debenture stock, mortgagee or other person secured, shall have the same rights and remedies, as nearly as may be, against the Port Authority, and against the port fund or any specific property charged, as he would have had against the company or the Conservators, and against the undertaking, lower navigation fund, or revenue, or the specific property charged, if this Act had not been passed.

(2) Subject to the provisions of this Act with respect to the substitution of A port stock for Thames Conservancy A debenture stock, the Port Authority may agree with the holder of any such debentures, mortgagee, or other person secured for the substitution of such amount of port stock of such class as may be agreed for the debentures, mortgage, or other security.

Powers of borrowing.

18.—(1) The Port Authority may borrow money for the purpose of—

(*a*) raising any money payable in respect of the transfer of the undertaking of any dock company under this Act;

(*b*) purchasing, redeeming, or paying off any debentures, mortgage debt, or other charge the liability for which is transferred to the Port Authority by or under this Act;

(*c*) raising any money payable in respect of the transfer, under this Act of any undertaking affording or intended to afford accommodation or facilities for loading, unloading or warehousing goods in the Port of London;

(*d*) dredging and otherwise improving the river;

(*e*) constructing works for improving the accommodation and facilities of the Port of London, or acquiring land for any such work;

(*f*) paying any compensation payable under this Act otherwise than by way of annuity;

and, with the consent of the Board of Trade, for the purpose of any payment by the Port Authority or of any work or other thing which the Port Authority are authorised to execute or do,

and which or the cost of which ought, in the opinion of the Board of Trade, to be spread over a term of years.

(2) Money borrowed under this section may be borrowed in such manner as the Board of Trade may by order direct, and such money and the interest thereon shall be charged on the port fund or on such property or revenues of the Port Authority, and in such manner as the Board of Trade may sanction.

(3) Any money borrowed under this Act, if borrowed for the purpose of—

(*a*) raising any money payable in respect of the transfer of the undertaking of any dock company under this Act; or

(*b*) purchasing, redeeming, or paying off any debentures, mortgage debt, or other charge; or

(*c*) raising any money payable in respect of the transfer under this Act of any undertaking affording or intended to afford accommodation or facilities for loading, unloading, or warehousing goods in the Port of London; or

(*d*) constructing any works for improving the accommodation and facilities of the Port of London (other than dredging) or acquiring land for any such work;

shall be repaid within such period not exceeding ninety years, and, if borrowed for any other purpose, shall be repaid within such period not exceeding sixty years, from the date of the borrowing as the Port Authority with the consent of the Board of Trade may, having regard to the circumstances of each particular case, determine.

(4) For the purpose of paying off a loan raised under this Act, the Port Authority shall have the like powers of re-borrowing as a county council have under section sixty-nine of the Local Government Act, 1888, and the provisions of that section so far as they relate to re-borrowing shall apply as if they were herein re-enacted and in terms made applicable to the Port Authority and to the security on which the Port Authority are by or under this Act authorised to borrow. 51 & 52 Vict. c. 41.

Issue of port stock.

19.—(1) For the purpose of enabling the Port Authority to raise money which they are authorised to borrow, and to issue any port stock which, by or under the provisions of this Act, is to be, or may be, issued, the Port Authority may create stock, to be called Port of London Stock, and in this Act referred to as port stock.

(2) The port stock so created shall consist of A port stock bearing interest at three per cent., and B port stock bearing interest at four per cent. per annum, and, if the Port Authority so determine, of other classes of port stock ranking pari passu with B port stock and bearing interest at such rate as the Port Authority may resolve.

(3) A port stock and the interest thereon, and subject thereto all other port stock and the interest thereon, shall be charged on the port fund and on all the revenues of the Port Authority.

(4) Subject to the provisions of this Act all port stock created by the Port Authority under the powers of this Act shall be issued, transferred, dealt with, and redeemed in accordance with regulations to be made by an order of the Board of Trade prior to the issue of any such port stock, or such other regulations as the Board of Trade may from time to time by order prescribe, and such regulations may without prejudice to the generality of the above provision provide for the consent of limited owners, and for the application of the Acts relating to stamp duties and to cheques, and for the disposal of unclaimed dividends, and may apply for the purposes of this section with or without modifications any enactments of the Local Loans Act, 1875, and the Acts amending the same, and of any Act relating to stock issued by the County Council of London, or by the corporation of any municipal borough.

38 & 39 Vict. c. 83.

Provided nevertheless that the regulations to be made as aforesaid—

(*a*) shall authorise the holders of port stock of any class or classes of an aggregate nominal value of not less than five hundred thousand pounds in respect of the payment of interest on which the Port Authority have made default for a period of not less than three months to apply to the High Court for the appointment of one or more receivers and managers of the revenues, property, and undertaking of the Port Authority; and

(*b*) shall not make A port stock or B port stock redeemable before the expiration of twenty years from the appointed day; and

(*c*) shall require at least six months' notice of intention to redeem port stock to be given; and

(*d*) shall provide for the interest on A and B port stock being paid half-yearly and shall fix the date for the first payment of interest on A port stock not later than the first day of July nineteen hundred and nine and the date for the first payment of interest on B port stock not later than the first day of August nineteen hundred and nine.

(5) The total amount of port stock created under this Act and for the time being outstanding shall not, unless Parliament otherwise determines, exceed by more than five million pounds the amount of port stock issued as the consideration for or in connection with the transfer of the undertakings of the dock companies.

Provisions as to discharge of loans, &c.

20.—(1) The Port Authority shall, in accordance with regulations made by the Board of Trade, by the creation of one or more sinking or redemption funds or otherwise, make provision for—

(*a*) the redemption within a period of ninety years from the date of the transfer of the undertaking of any dock company of the amount of any port stock issued by

the Port Authority as consideration for or in connection with that transfer, or issued by the Port Authority in substitution for any debentures, mortgages, or other securities of the company the liability for which is transferred to the Port Authority by this Act; and

(*b*) the redemption within a period of sixty years from the date of the substitution, of any port stock issued under this Act by the Port Authority in substitution for any Thames Conservancy A debenture stock; and

(*c*) the repayment within the periods within which they are under this Act to be repaid of any sums borrowed by the Port Authority under this Act:

Provided that, as respects any stock issued or money borrowed, the period for the redemption or repayment of which is or may be ninety years, the Port Authority shall not, during the first ten years of the period allowed for redemption or repayment, be required to make any payments into any sinking or redemption fund for or otherwise towards the redemption or repayment of the stock or loan.

(2) Any regulations made by the Board of Trade under this section, so far as they relate to the repayment of any loans, may apply with or without modifications to any enactments of the Local Loan Acts, 1875, and the Acts amending that Act, and may contain such other provisions as appear to the Board of Trade necessary or proper, and shall have effect as if they were enacted in this Act.

Order in which revenue to be applied.

21. The receipts of the Port Authority on revenue account in any year shall be applied to the following purposes in the following order:—

(1) The payment of working and establishment expenses and the cost of the maintenance of the port, and of the execution and performance of the powers and duties of the Port Authority (including amongst other things payments on account of pensions, superannuation allowances, and compensation payable to officers and servants) properly chargeable to revenue account:

(2) The payment of interest on A port stock and any arrears thereof:

(3) The payment of interest on other classes of port stock and any arrears thereof:

(4) The payment of interest on any loan raised by the Port Authority otherwise than by the issue of port stock:

(5) The payment of any sums required under this Act to be paid into any sinking or redemption fund, or otherwise towards the discharge of any capital liability:

(6) The payment into the reserve fund created under this Act of any sums required by this Act to be paid into that fund;

and the balance, if any, shall be applicable to such purposes and in such manner, for the benefit of the port, as the Port Authority may determine :

Provided that—

(*a*) The Port Authority shall be entitled at the end of the year to carry forward such sum as may be reasonably necessary for meeting current expenses ; and

(*b*) The payment of interest on any debentures, debenture stock, mortgage debts, and other charges, the liability for which is by this Act transferred to the Port Authority, and the payment of interest on and the repayment of such temporary advances as the Port Authority are by this Act authorised to obtain with a view to supplying funds immediately on and for five years after entering on the undertakings of the dock companies shall, so long as payable, rank before the payment of interest on A port stock ; and

(*c*) If the Board of Trade so direct, the payment of interest on a temporary loan, repayable in a period not exceeding two years (other than such a temporary advance as last aforesaid) shall rank pari passu with the payment of interest on any class of port stock ; and

(*d*) The certificate of the auditor of the accounts of the Port Authority, subject to such variations as the Board of Trade may allow, shall be conclusive as to the amount available for any of the purposes aforesaid.

Reserve fund.

22.—(1) The Port Authority shall carry to a reserve fund such part of the receipts on revenue account as is available for the purpose until the fund amounts to one million pounds, and, if the fund is subsequently reduced below that amount, the Port Authority shall carry to the fund so much of any such receipts as is required to restore the fund to that amount and is available for the purpose.

(2) The reserve fund so formed shall be applicable only towards meeting any deficiency on revenue account in any year. Provided that, if it is proved to the satisfaction of the Board of Trade that it is expedient to apply any part of it to any other purpose, the Board may by order authorise the Port Authority to apply so much thereof as may be specified in the order to such other purpose, subject, however, to such conditions (if any) as may be specified in the order.

(3) The sums paid into the reserve fund shall be invested in the prescribed manner.

Power of Board of Trade to order increase of dues.

23.—(1) The Port Authority shall at the beginning of every financial year of the Port Authority submit to the Board of Trade an estimate of the receipts and expenditure of the Port Authority during that financial year, whether on account of property, dues, loans, or otherwise.

(2) If the Board of Trade are satisfied that the receipts of the Port Authority on revenue account in any year are likely to be insufficient to meet the charges payable out of revenue in that year, or that the receipts of the Port Authority on revenue account in the last preceding year were insufficient to meet the charges payable out of revenue in that year, the Board may make an order requiring the Port Authority to levy any additional or increase any existing dues which they are authorised to levy to such extent and for such period as the Board may specify in the order, and the Port Authority shall comply with the order so made, so however that neither the additional nor the increased dues shall exceed the maxima allowed by law.

Account and audit.

24.—(1) As soon as may be after the end of each financial year of the Port Authority the accounts of the Port Authority, and any committee appointed by them, and of their officers, shall be made up to the end of that year and shall be in such form and contain such particulars as may for the time being be prescribed by the Board of Trade, and shall be audited by an auditor appointed by the Board of Trade:

Provided that—

(*a*) the regulations made by the Board of Trade shall provide for the accounts of all sums expended by the Port Authority in erecting, maintaining, and managing warehouses, and of all receipts in respect of the warehousing of goods, being kept distinct from the other accounts of the Port Authority, and for those accounts being audited as a separate section of the accounts of the Port Authority; and

(*b*) in prescribing the form of accounts the Board of Trade shall have regard to the desirability of showing separately, so far as practicable, such items of receipts and expenditure on capital and revenue account as are wholly or mainly attributable to the dock undertakings of the Port Authority, and in particular the regulations shall provide that all receipts from port rates on goods discharged from or taken on board ships not within the dock premises of the Port Authority shall be shown separately from the receipts from port rates on goods discharged from or taken on board ships within such premises.

(2) The Port Authority shall give to the auditor access to such books and documents as are necessary for the purposes of the audit, and shall when required furnish to him all vouchers and information requisite for that purpose, and shall afford to him all facilities for the proper execution of his duty.

(3) If the auditor reports to the Board of Trade that the Port Authority have declined or neglected to comply with any of his recommendations or requirements, the Board may, if they think fit, after giving the Port Authority an opportunity of being heard, make an order directing the Port Authority to comply

with such recommendations and requirements, with or without modification, as may be specified in the order.

(4) Within fourteen days after completion of the audit the Port Authority shall publish an abstract of the accounts, together with any report of the auditor thereon, in some one or more London newspapers.

(5) The remuneration of the auditor shall be such as the Board of Trade direct, and that remuneration and all expenses incurred by him in or about the execution of his duties, to such an amount as the Board of Trade approve, shall be paid by the Port Authority.

Power of Board of Trade to require estimates and audit more than once a year.

25. If the Board of Trade at any time consider it desirable that estimates should be submitted, and the accounts of the Port Authority made up and audited, more than once a year, the Board may make an order to that effect, and may by the order make such modifications in the provisions of this Act relating to the submission of estimates and the making up and auditing of the accounts of the Port Authority as may be necessary to give effect to the order.

MISCELLANEOUS.

Powers of Port Authority to acquire land, promote Bills, &c.

26.—(1) The Port Authority shall, for the purposes of their powers and duties under this Act, or otherwise with respect to the administration, preservation or improvement of the Port of London, have power—

(*a*) to manage, alter, remove, or enlarge any building, and to alienate any land or buildings transferred to the Port Authority under this Act or otherwise vested in them; and

(*b*) to acquire, hire, erect, and furnish such buildings and offices as they may require; and

(*c*) to acquire, purchase, or take on hire, or exchange land; and

(*d*) to appoint a clerk or secretary, treasurer, and such other officers as they may require; and

(*e*) to promote or oppose any Bill in Parliament, and prosecute or defend legal proceedings.

Provided that nothing in this section shall be construed as conferring on the Port Authority power—

(i) in the case of any land or buildings transferred to the Port Authority by this Act or otherwise vested in them subject to any right or interest therein of any other person or to the performance of any obligation in force at the date of alienation and to be performed by the Port Authority under any Act, deed, agreement, or other instrument, to alienate such land or buildings otherwise than subject to such right, interest, or obligation; or

(ii) in the case of land or buildings vested in them subject to any restriction on alienation, to alienate the land or buildings in contravention of that restriction.

(2) For the purposes of this section, sections one hundred and seventy-six and one hundred and seventy-eight of the Public Health Act, 1875, shall, except so far as they relate to the acquisition of land otherwise than by agreement, apply as if they were herein re-enacted, with the substitution of the Port Authority for a local authority. 38 & 39 Vict. c. 55.

(3) The clerk or secretary of the Port Authority, or any officer or member thereof acting under a general or special resolution of the Port Authority, may authorise the institution and carrying on or the defence of any proceeding which the Port Authority are authorised to institute, carry on, or defend. Any information or complaint under the provisions of this Act or any other Act, whether local or general, applying to the Port Authority, or any byelaws or regulations made thereunder, may be laid or made by an officer or member of the Port Authority or by the clerk or secretary.

(4) The Superannuation (Metropolis) Act, 1866, shall apply to the Port Authority as if the Port Authority were an authority mentioned in that Act, and the Port Authority may grant superannuation allowances or pensions to any officers and servants in their employ, either in accordance with that Act as so applied, or by the extension to any such officers and servants of the provisions of any pension scheme to which the authority are a party as successors of any dock company, or by the establishment of any other pension scheme approved by the Board of Trade, and the Port Authority may also promote, assist, or contribute towards the expenses of any institution which appears to the authority to be for the benefit of any such officers or servants either whilst in their employ or after they have ceased to be so, but nothing in this section shall affect the rights of existing officers and servants taken over by the Port Authority under this Act. 29 & 30 Vict. c. 31.

Powers of Board of Trade as to conciliation.

27.—(1) On complaint being made to the Board of Trade by any person interested that the Port Authority are acting in a manner unfairly oppressive to him by reason of the mode in which they carry on their dock or warehousing business, including charges made in respect of such business, the Board, if they think that there is a reasonable ground of complaint, shall call upon the Port Authority for an explanation and shall endeavour to settle amicably the differences between the complainant and the Port Authority, and shall from time to time submit to Parliament such reports with regard thereto as they think fit.

(2) For the purposes of this section, "person" shall include any association of persons which obtains a certificate from the Board of Trade that it is a proper body to make a complaint.

(3) If the complaint is made on behalf of a trade or a section of a trade by the London Chamber of Commerce or any other representative association interested in the trade of the Port of

London which obtains a certificate from the Board of Trade that it is a proper body to make such complaint, or relates to the mode in which the Port Authority carry on their warehousing business, the Board, if they are unable to settle the difference, may, if they think fit, after giving any persons appearing to the Board of Trade to be interested an opportunity of being heard, make such order as in their opinion the circumstances require.

Regulation of engagement of casual labour.

28.—(1) The Port Authority shall take into consideration the existing methods and conditions of engagement of workmen employed in dock, riverside, and warehouse labour in connection with the Port of London, and shall, either by themselves or in co-operation with other bodies or persons, by establishing or maintaining or assisting in the establishment or maintenance of offices, waiting-rooms, and employment registers, and by the collection and communication of information and otherwise, take such steps as they think best calculated to diminish the evils of casual employment, and to promote the more convenient and regular engagement of such workmen or any class thereof:

Provided that nothing in this section shall deprive any person of any legal right which he would otherwise possess with regard to the engagement of labour.

(2) The Port Authority may make byelaws with respect to admission to, and the maintenance of order in, such offices and waiting rooms, and otherwise for the purpose of carrying this section into effect.

Provision of accommodation for alien passengers.

5 Edw. 7, c. 13.

29.—(1) The Port Authority shall, if so required by the Secretary of State, provide and maintain to the satisfaction of the Secretary of State accommodation for the reception of alien passengers conditionally disembarked for the purpose of inspection, appeals, or otherwise, under the Aliens Act, 1905.

(2) On such accommodation being provided, the Port Authority may, with the consent of the Secretary of State, make byelaws imposing on immigrant ships within the meaning of that Act entering the Port of London tolls in respect of such accommodation, and requiring the conditional disembarkation at the place so provided of such alien passengers from immigrant ships as the Secretary of State may by order direct, either generally or as regards any special ships.

Duty of Port Authority as to surveys.

30. The Port Authority shall as soon as may be after the appointed day take into consideration the then existing surveys of the bed and shore of the river and tidal waters within the Port of London, and if in any respect the surveys are defective, they shall, after consultation with the Admiralty and the Board of Trade, take such steps as may be necessary for the purpose of remedying such defects, and the Port Authority shall publish and keep on sale at a reasonable price copies of any such existing surveys as may be considered sufficient and of the surveys so made.

Through rates in respect of dock railways.

31.—(1) Any lines and sidings forming part of any dock undertaking belonging to the Port Authority shall be deemed to be railways, and the Port Authority shall be deemed to be a railway company for the purposes of such of the provisions of the Railway and Canal Traffic Acts, 1854 to 1888, as relate to through rates:

Provided that the Railway and Canal Commission shall not fix such a through rate in any case in which it appears to them that it would be unjust or inexpedient to do so.

(2) The classification of merchandise traffic annexed to the Schedule to the Order confirmed by the Great Eastern Railway Company Rates and Charges Order Confirmation Act, 1891, as from time to time amended in pursuance of subsection (11) of section twenty-four of the Railway and Canal Traffic Act, 1888, shall apply to the Port Authority in respect of such lines and sidings as aforesaid and the maximum rates and charges which the Port Authority shall be entitled to charge and make in respect of merchandise traffic on those lines and sidings shall be the rates and charges specified in that schedule as so amended. 51 & 52 Vict. c. 25.

(3) Nothing in this section shall be construed as entitling the Port Authority to be assessed to any rate or rated on a proportion only of the value of such lines and sidings.

Provisions as to substituted stock.

32.—(1) The port stock under this Act substituted for any stock shall be held in the same rights, on the same trusts, and subject to the same powers, provisions, charges, and liabilities as those in, on, or to which the stock was held immediately before the substitution, and so as to give effect to, and not to revoke, any deed, will, or other instrument or testamentary or other disposition disposing of or affecting the stock, and every such deed, will, instrument, or disposition shall take effect with reference to the whole or a proportionate part, as the case may be, of the substituted port stock.

(2) Trustees, executors and all other holders in any representative or fiduciary capacity of any existing stock for which port stock is substituted under this Act shall accept the port stock issued in substitution therefor under this Act, and may hold, dispose of, or otherwise deal with the substituted stock in all respects as they might have held, disposed of, or otherwise dealt with the stock for which it was substituted.

Provision as to Provisional Orders, &c.

33.—(1) The Board of Trade may make such Provisional Orders as may be required for the purposes of this Act, and with respect to such Provisional Orders the provisions set out in the Fourth Schedule to this Act shall have effect.

(2) Any order, other than a Provisional Order, made by the Board of Trade under this Act shall, whilst in force, have effect as if enacted in this Act, but any such order made by the Board of Trade may be varied by a subsequent order made in the like manner and subject to the like conditions as the original order.

(3) The Board of Trade, subject to the consent of the Treasury, may fix the fees to be payable in respect of Provisional Orders and orders made by the Board under this Act, and such fees shall be paid by such authorities and persons as the Board of Trade may determine.

(4) The Board of Trade may make regulations in relation to applications for Provisional Orders and orders under this Act, and the publication of notices and advertisements and the manner in which and the time within which representations and objections with reference to the application are to be made, and the holding of public inquiries in the cases in which public inquiries are required to be held under this Act and in such other cases as they may think advisable, and to any other matters of procedure respecting the obtaining and granting of Provisional Orders and orders under this Act.

Byelaws

34.—(1) The provisions of sections one hundred and ninety-three, one hundred and ninety-four, one hundred and ninety-five, and two hundred of the Thames Conservancy Act, 1894, so far as applied to the Port Authority by this Act, shall, subject to the provisions of the Board of Agriculture and Fisheries Act, 1903, extend to all byelaws made by the Port Authority, whether made in exercise of their powers as successors of the Conservators, or of any dock company, or of the Watermen's Company or the court of that company, or otherwise.

3 Edw. 7. c. 31.

(2) Sections fifty-five and one hundred and ninety-one of the Thames Conservancy Act, 1894, so far as they relate to complaints of the operation of byelaws shall apply to all byelaws made by the Port Authority or their predecessors whether made under that Act or otherwise.

Mutual rights as to inspection of documents.

35. All minute books, books of account, vouchers, maps, plans, and other documents transferred by this Act from the Conservators or the Watermen's Company to the Port Authority shall at all reasonable times be open to the inspection, free of charge, of the Conservators or the Watermen's Company, as the case may be, and all minute books, books of account, vouchers, maps, plans, and other documents belonging to the Conservators or the Watermen's Company and not so transferred shall at all reasonable times be open to the inspection, free of charge, of the Port Authority, and, if any question arises as to whether any such documents are to be transferred to the Port Authority, the question shall be decided by the Board of Trade.

Annual report.

36. The Port Authority shall make to the Board of Trade an annual report of their proceedings, and this report shall be laid annually before Parliament by the Board of Trade, and shall at the same time be on sale at a reasonable charge to the public at the offices of the Port Authority. The Port Authority shall also give to the Board of Trade such returns, statistics, and information, with respect to the exercise of the powers of the Port Authority, as the Board of Trade may require.

Qualification of justices.

37. A justice of the peace shall not be incapable of acting in any case in which the Port Authority are a party by reason only that as a payer of dues or the holder of port stock, or as one of any other class of persons, he is liable to contribute to or to be benefited by the port fund.

Provisions as to the Board of Trade. 37 & 38 Vict. c. 40.

38.—(1) The Board of Trade Arbitrations, &c. Act, 1874, shall apply as if this Act were a special Act within the meaning of the first-mentioned Act, and as if a public inquiry under this Act were an inquiry under that Act.

(2) All things required or authorised under this Act to be done by, to, or before the Board of Trade, may be done by, to, or before the President or a secretary or assistant secretary of the Board, or any person authorised in that behalf by the President of the Board.

(3) All documents purporting to be orders made by the Board of Trade and to be sealed with the seal of the Board, or to be signed by a secretary or assistant secretary of the Board, or by any person authorised in that behalf by the President of the Board, shall be received in evidence, and shall be deemed to be such orders without further proof, unless the contrary is shown.

(4) A certificate, signed by the President of the Board of Trade, that any order made or act done is the order or act of the Board, shall be conclusive evidence of the fact so certified.

Exemption of members of Port Authority from service on juries.

39. Every member of the Port Authority shall be exempt from serving on any jury.

Savings.

Saving of right of authorities to be heard against Bills.

40. Nothing in this Act shall affect the right of any council or other authority or any person represented on the Port Authority to be heard against any Bill, Provisional Order or order promoted or applied for by the Port Authority.

Saving for the Customs.

41.—(1) Nothing in this Act shall affect the limits of the Port of London for Customs purposes, or abridge or affect in any way the powers of the Treasury in respect of the port under the Customs Consolidation Act, 1876.

(2) Sections fourteen and fifteen of the Harbours, Docks, and Piers Clauses Act, 1847 (which relate to the construction and maintenance of works for the accommodation of the officers of Customs), shall apply to the Port Authority in respect of any new docks constructed by them in pursuance of the powers conferred by this Act as if they were incorporated in this Act, and shall also as from the appointed day apply to the Port Authority in respect of all docks transferred to the Port Authority by this Act which were constructed in pursuance of any special Act with which those sections are not incorporated—

(*a*) as if those sections had been so incorporated; and

(*b*) as if any watch-houses, boat-houses, huts or weighing materials provided before the appointed day at those

docks by any predecessors of the Port Authority for the accommodation of those officers had been provided in pursuance of the obligation imposed by those sections:

Provided that nothing in this provision shall prejudice or affect any right, or authority, or liability of the Commissioners of Customs, or the Commissioners of Works, under any agreement relating to any such watch-house, boat-house, hut or weighing materials made before the passing of this Act between the Commissioners of Customs, or the Commissioners of Works, and any predecessors of the Port Authority.

Saving for Admiralty.

42. Nothing in this Act shall prejudice or affect any rights, powers, or privileges of the Admiralty or the King's harbourmaster or other officer of the Admiralty within the limits for the time being of any dockyard port.

Saving for vessels and goods passing through the Port of London.

43. Nothing in this Act shall be construed as imposing any dues on any vessel or on any goods carried therein by reason only that the vessel passes through any part of the Port of London on a voyage between places situate on the River Medway or the River Swale and not within the Port of London and any other places not within that port, or as imposing any duties of tonnage on any vessel for passengers only plying between places situate on those rivers and places within the Port of London situate eastward of the said line drawn from Yantlet Creek to the City Stone opposite Canvey Island.

Saving in case of damage caused by dredging.

44.—(1) The Port Authority shall make compensation to all persons whose property or works are damaged by or in consequence of any operations of the Port Authority in connection with dredging or otherwise deepening and improving the channels of the river within the Port of London, in any case where such persons would have been entitled to damages if the operations had been executed otherwise than in pursuance of statutory powers and for the purposes of this provision the expression "person" shall include the Crown and any Government Department.

(2) Any works of dredging and deepening carried out under the powers of this Act which are within fifty yards of any part of any property of or under the control of any Government department, or any tunnel, bridge, pier, embankment, water intake, sewage outfall, or other property of the London County Council, or any main or tunnel of the Metropolitan Water Board, shall be executed under the supervision and to the reasonable satisfaction of the department or the engineer of the said Council or Board, as the case may be.

(3) Any works of dredging and deepening carried out under the powers of this Act which are within fifty yards of any part of any bridge belonging to the Corporation or the Essex, Kent, Middlesex or Surrey County Council or any railway company shall be executed under the supervision and to the reasonable

satisfaction of the engineer of the Corporation, the County Council, or the Company, as the case may be.

(4) The Port Authority shall not execute or carry out or permit to be carried out any works of excavating, dredging, or deepening, or operations of any kind in the bed or channel of the River Thames so as to injure, endanger, or affect any part of the Thames Tunnel, and, in the event of any injury or damage to the said tunnel being caused directly or indirectly by or resulting from any such works or operations, the Port Authority shall make full compensation to the East London Railway Company and its lessees as owners of the said tunnel in respect thereof.

(5) Any dispute or difference arising under this section shall be settled by an arbitrator appointed by the Board of Trade.

(6) If a complaint is made to the Board of Trade by the councils of not less than three riparian boroughs or urban districts who appear to the Board to be interested, that by reason of the exercise by the Port Authority of their powers of dredging the depth of water in any of the reaches of the Thames within the Port of London above Battersea Bridge has been so diminished as seriously to inconvenience navigation or materially to lower the surface of the water, the Board shall, if they think there is reasonable cause for so doing, hold a local inquiry into the matter and shall from time to time submit to Parliament such reports with regard to any such inquiry and the remedy, if any, which they recommend as they may think fit.

Saving for the borough of Southend-on-Sea.

45.—(1) Notwithstanding anything contained in this Act, the provisions of sections ninety-three, ninety-four, ninety-nine, one hundred, one hundred and nine to one hundred and seventeen, one hundred and nineteen to one hundred and thirty-four, and so much of sections one hundred and ninety and one hundred and ninety-one as relates to the regulation of bathing and the fixing of the hours during which persons may bathe, of the Thames Conservancy Act, 1894, shall not apply in any area comprised in the borough of Southend-on-Sea or between that borough and a straight line drawn from the West Shoebury buoy to the most easterly point of Canvey Island.

(2) Nothing in this Act or in the Thames Conservancy Act, 1894, shall prejudice, lessen, affect, or interfere with any powers, rights, authorities, privileges, or property of the mayor, aldermen, and burgesses of the borough of Southend-on-Sea under any Act now in force.

(3) Nothing in this section shall be construed as a recognition of any right or interest of the said mayor, aldermen, and burgesses in any part of the bed or shore of the Thames.

Saving for the urban district of Sheerness.

46. Notwithstanding anything contained in this Act, the provisions of sections ninety-three, ninety-four, ninety-nine, one hundred, one hundred and nine to one hundred and seventeen, one hundred and nineteen to one hundred and thirty-four, and so much of sections one hundred and ninety and one hundred

and ninety-one, as relates to the regulation of bathing and the fixing of hours during which persons may bathe, of the Thames Conservancy Act, 1894, shall not apply in the urban district of Sheerness, including the foreshore opposite that district, nor as respects any part of the bed of the River Thames within one hundred yards from that foreshore.

Saving for the rural district of Sheppey.

47. Nothing in this Act shall affect any rights of the rural district of Sheppey existing at the appointed day with regard to the construction of a sewer outfall in that district or the use of such sewer outfall when constructed.

Saving for London, Tilbury, and Southend Railway Company

48. Nothing in this Act shall prejudice, alter, or affect the rights of the London, Tilbury, and Southend Railway Company under any Act of Parliament now in force or under any subsisting agreements or instruments whatsoever made or entered into by the London and India Docks Company or their predecessors in title with the said railway company, but all obligations therein imposed upon the London and India Docks Company or their predecessors in title shall be read and have effect as if the Port Authority were named in such Acts of Parliament, agreements, or instruments instead of the London and India Docks Company or their predecessors in title.

DEFINITIONS, REPEAL, &c.

Definitions.

49. In this Act, unless the context otherwise requires,—

The expression "Port of London" means the port within the limits described in the Fifth Schedule to this Act:

The expression "appointed day" means the thirty-first day of March one thousand nine hundred and nine, or such earlier or later day as the Board of Trade may appoint, either generally or with reference to any particular provision of this Act, and different days may be appointed for different purposes and different provisions of this Act, whether contained in the same section or in different sections, and for different companies and authorities:

The expression "undertaking" includes, in the case of an undertaking transferred by this Act, all such property, real and personal, including cash balances, reserve funds, investments, and all other interest and rights in, to, and out of the property, real and personal, and obligations, and things in action, as may be in the possession of the company, or belonging to them, immediately before the date of transfer, and all books, accounts, and documents relating thereto; but discharged and freed from any charge for securing any debenture stock of the company and from any liabilities in respect of such stock:

The expression "the Corporation" means the Mayor, Aldermen, and Commons of the City of London in Common Council assembled:

The expression "the Trinity House" means the master, wardens, and assistants of the guild, fraternity or brotherhood of the most glorious and undivided Trinity, and of St. Clement in the parish of Deptford Strond, in the county of Kent, commonly called the Corporation of the Trinity House of Deptford Strond:

The expression "goods" includes live stock, minerals, and merchandise of all descriptions:

The expression "dues" includes all duties of tonnage, port rates on goods, registration fees, and other tolls, charges, and dues payable to the Port Authority, whether in respect of ships, goods, river craft, or otherwise:

The expression "vessel" includes ship, boat, lighter, and craft of every kind, and whether navigated by steam or otherwise:

The expression "ship" includes every description of vessel used in navigation not propelled by oars:

The expression "river craft" means any tug, river steamboat, lighter, or barge registered under the Thames Watermen's and Lightermen's Act, 1893, as amended by the Thames Conservancy Act, 1894, and this Act:

The expression "wharfinger" means the occupier of a wharf, quay, warehouse, or granary adjoining the Port of London mainly used for warehousing the goods imported into the Port of London of persons other than the occupier of such premises:

The expression "prescribed" means prescribed by regulations made by the Board of Trade:

The liability of the Millwall Dock Company to the Millwall Dock Equipment Company under an agreement dated the twenty-second day of February one thousand nine hundred and one shall be deemed to be a charge the liability for which is transferred to the Port Authority.

Repeal.

50. The enactments mentioned in the Sixth Schedule to this Act shall as from the appointed day be repealed to the extent specified in the third column to that schedule: Provided that the repeal of the words in section seven of the Thames Conservancy Act, 1905, mentioned in that schedule (which limit the period during which the increased duties of tonnage authorised by that Act may be demanded and received) shall take effect as from the first day of January one thousand nine hundred and nine, and notwithstanding that the powers of the Conservators are not transferred to the Port Authority until a later date.

5 Edw. 7. c. xcviii.

Short title.

51. This Act may be cited as the Port of London Act, 1908.

TRANSITORY PROVISIONS.

Adjustment of property and liabilities.

52. Such adjustments as may be required for the purposes of this Act shall be made between the Port Authority and the Conservators and between the Port Authority and the Watermen's Company, and section sixty-eight of the Local Government Act, 1894, shall apply to such adjustments in like manner as it applies to adjustments required for the purposes of that Act:

Provided that references to the Board of Trade shall be substituted for references to the Local Government Board, and that the provisions as to borrowing and the application of capital sums shall not apply to the Watermen's Company.

Maintenance of undertakings of dock companies until the appointed day.

53.—(1) Until the appointed day the undertakings of the several dock companies shall be maintained and carried on as heretofore in the ordinary course of business in as efficient a condition as usual, but the amount distributed by way of dividend on the stocks other than debenture stocks of any such company for the year one thousand nine hundred and eight or in the case of the Surrey Commercial Dock Company for the last nine months of that year shall not exceed the amount of one year's, or in the case of the Surrey Commercial Dock Company nine months', interest on the amount of the port stock to be substituted under this Act for those stocks.

(2) If the Port Authority think that any contract with respect to any matter connected with the undertaking of any such company made by the company subsequently to the date of the introduction of the Bill for this Act was not reasonably necessary in the ordinary course of the business of the company, they may give notice in writing to the company to that effect within six weeks after the appointed day.

(3) If the Port Authority give any such notice, it shall be referred to an arbitrator appointed by the Board of Trade to determine whether or not the contract was reasonably necessary in the ordinary course of the business of the company, and the arbitrator shall determine whether, and to what extent, as between the Port Authority and the company, any liability arising thereunder is to be transferred to the Port Authority, or is to continue as a liability of the company.

(4) Until the appointed day a dock company shall not, without the previous consent in writing of the Board of Trade—

(*a*) sell, dispose of, or let for a longer period than one year, any of its lands or buildings;

(*b*) apply any of its depreciation or renewal funds otherwise than for the purposes for which those funds were created and have hitherto been used, or make any distribution out of any such fund or any reserve for bad and doubtful debts among its stockholders or any class thereof, unless legally compelled to do so for the purpose of paying interest on any debenture stock;

(*c*) enter into any contract of any kind with shipowners, merchants, or others, extending in date beyond the thirty-first of December one thousand nine hundred and nine;

(*d*) raise any fresh capital, either directly or, in case of the Millwall Dock Company, indirectly, by means of any arrangement with the Millwall Dock Equipment Company Limited;

(*e*) undertake any expenditure on any new works.

(5) The accounts and balance sheet of each dock company for the year one thousand nine hundred and eight, and also, if the appointed day is later than the first day of January one thousand nine hundred and nine, for the period between that date and the appointed day, shall be audited by an auditor appointed by the Board of Trade, and no sums shall be distributed by the company by way of dividend except such as are certified by that auditor to be so distributable; and in any case where the audit is not completed until after the appointed day, the Port Authority shall pay to the company such an amount as may be certified by the auditor to be the balance representing profits earned in respect of the period to which the audit relates and available for immediate distribution as dividend:

Provided that—

(*a*) Nothing in this subsection shall be construed as preventing a dock company which has been accustomed to pay interim dividends on any of its stocks and actually paid such dividends in the year one thousand nine hundred and seven from paying such dividends during the year one thousand nine hundred and eight so, however, that the amount paid by way of interim dividend on any such stock shall not exceed the amount of the interest which would accrue during a period equal to that in respect of which the dividend is paid on the amount of port stock which under this Act is to be substituted for that stock; and

(*b*) The amount paid by the Port Authority to any company under this subsection when added to the amount (if any) paid by the company by way of dividend in respect of any part of the period to which the audit relates shall not exceed the amount of interest which would accrue on the amount of port stock to be issued in substitution for the stocks other than debenture stocks of the company during the like period; and

(*c*) In the case of the Surrey Commercial Dock Company the amount to be paid to the company in respect of the year one thousand nine hundred and eight shall be such an amount as when added to the amount paid by the company by way of dividend on its stocks in respect of the last nine months of

that year or any part of those nine months may be certified by the auditor to be three-fourths of the balance representing profits earned during that year and available for immediate distribution as dividend so, however, that those amounts when added together shall not exceed nine months' interest on the amount of port stock to be issued in substitution for the stocks other than the debenture stock of the company, and the amount so payable shall be paid whether or not the audit of the accounts for that year have been completed before the appointed day.

(6) If the amount certified by the auditor appointed by the Board of Trade as available for distribution as dividend amongst the stockholders of any dock company for the year one thousand nine hundred and eight, or in the case of the Surrey Commercial Dock Company, for the last nine months of that year, when added to the amount (if any) paid by the company by way of dividends in respect of any part of that year, or those nine months, is less than one year's, or nine months', interest on the amount of port stock to be substituted for the various stocks, other than debenture stocks, of the company, the Port Authority shall pay to the company—

(i) A sum equal to the deficiency; or

(ii) A sum equal to the expense incurred by the Company in respect of the negotiations with the Board of Trade for the transfer of its undertaking or in connection with the passing of the Bill for this Act; or

(iii) A sum of (*a*) in the case of the London and India Docks Company five thousand pounds; (*b*) in the case of the Surrey Commercial Dock Company three thousand pounds; (*c*) in the case of the Millwall Dock Company two thousand pounds;

whichever of the said sums shall be the least.

(7) Any expenses incurred by the Board of Trade under this section shall be paid by the Port Authority.

Dissolution of dock companies.

54.—(1) As soon as the port stock to be issued as compensation for the transfer of the undertaking of a dock company has been issued in accordance with this Act, the company shall enter upon the liquidation of its affairs, and upon the conclusion thereof shall be dissolved in manner provided with respect to the company in the Second Schedule to this Act.

(2) The several provisions and powers contained in the several special Acts of the dock companies shall remain and be of full force as regards the dock companies respectively, so far as the same are necessary or required for the purposes of the company, up to and until the dissolution thereof:

Provided that it shall not be obligatory to fill up any vacancy in the office of director occurring after the passing of this Act, but the continuing directors for the time being of each company

may continue in office and exercise all powers of directors up to and until the dissolution of the company.

(3) For the purpose of distributing such port stock as aforesaid and winding up its affairs any such company may, after the appointed day, temporarily retain for its own use such offices, books, accounts, and documents, and the service of such officers and servants, on such terms and conditions as may be agreed upon between the Port Authority and the company or, failing agreement, may be determined by the Board of Trade.

(4) Any costs, charges, and expenses (including all rents, rates, taxes, and other outgoings in respect of any offices and all salaries, wages, or pay of any officers or servants temporarily retained by a dock company for its own use under the last preceding subsection) certified by an auditor appointed by the Board of Trade to have been properly incurred by the company for the purposes aforesaid shall be paid to the company by the Port Authority.

Saving for existing watermen and apprentices.

55.—(1) Any person who at the passing of this Act and at the appointed day holds a licence as a licensed lighterman or waterman or qualified apprentice or a certificate under section three hundred and three of the Thames Conservancy Act, 1894, shall be entitled to receive a licence or certificate from the Port Authority, tenable on the like terms and conditions as the licence or certificate so held.

(2) Nothing in this Act shall vacate or affect any indenture of apprenticeship existing at the passing of this Act.

Temporary advances.

56.—(1) With a view of supplying funds to the Port Authority immediately on and for five years after entering on the undertakings of the dock companies the Port Authority may obtain advances of such sums of money as they may require for meeting their obligations and carrying on their business: Provided that the total amount so obtained shall not exceed five hundred thousand pounds, or such larger sum (not exceeding one million pounds) as the Board of Trade may sanction, and the sums so advanced shall be charged on the port fund, but it shall be the duty of the Port Authority to repay any advance obtained under this section, together with all interest thereon, within five years from the date of obtaining the advance.

(2) The provisions of this Act as to borrowing and the repayment of money shall not apply to advances under this section.

Pending proceedings and existing contracts.

57.—(1) If on the appointed day any proceeding or any cause of action is pending or existing by or against the Conservators, a dock company, or the Watermen's Company, the same shall not abate, be discontinued, or be in any way prejudicially affected by reason of anything in this Act, but the proceeding or cause of action may be continued, prosecuted, and enforced by or against the Port Authority as it might have been

by or against the Conservators or the company if this Act had not been passed, but not further or otherwise.

(2) All contracts, deeds, bonds, agreements, and other instruments, and all working arrangements subsisting immediately before the appointed day, and affecting the Conservators, a dock company, or the Watermen's Company, shall be of as full force and effect against or in favour of the Port Authority, and may be enforced as fully and effectually as if, instead of the Conservators or the company, the Port Authority had been a party thereto:

Provided that—

(i) With respect to contracts any liability under which is to remain a liability of a dock company, the provisions of this section shall in all respects be subject to the provisions of the sections of this Act relating to the maintenance of undertakings of dock companies until the appointed day and existing officers and servants, and shall not prejudice any remedy over by the Port Authority against a dock company in respect of any such liability; and

(ii) Nothing in this section shall affect any proceeding, cause of action, contract, deed, bond, agreement, or other instrument relating solely to any powers, duties, property, or liabilities of the Conservators or of the Watermen's Company not transferred to the Port Authority by or under this Act.

Saving for existing byelaws, &c.

58. All byelaws, rules, regulations, and dues made or enforceable by the Conservators, a dock company, or the Watermen's Company, or the Court of the Watermen's Company, shall, so far as they are not inconsistent with the provisions of this Act, and until repealed, altered, or superseded, remain in force in like manner and to the like extent as if this Act had not been passed:

Provided that any byelaws, rules, regulations, or dues made or imposed in pursuance of any power by this Act transferred from the Conservators or the Watermen's Company or the Court thereof to the Port Authority, shall, subject to any order made by the Board of Trade, extend throughout the area within which the power in pursuance of which they were made or imposed is for the time being exerciseable by the Port Authority.

Compensation to directors of dock companies.

59.—(1) The Port Authority shall issue by way of compensation for the loss of office sustained by such of the directors of the several dock companies as were in office both at the date of the publication of the notice of the Bill for this Act and on the appointed day, the following amounts of A port stock:—

(*a*) to the London and India Docks Company sixty-seven thousand six hundred pounds;

(*b*) to the Surrey Commercial Dock Company forty thousand pounds;

(*c*) to the Millwall Dock Company twenty thousand pounds;

and the stock so issued shall be distributed amongst the directors entitled to compensation in such proportions as those directors or a majority of them determine.

(2) If any such director becomes entitled to a salary as chairman, vice-chairman, or chairman of a committee of the Port Authority a sum equal to the amount of the interest on the port stock allotted to him as compensation under this section shall, whilst he holds the office to which the salary is attached, be deducted from the salary which would otherwise be payable to him.

Existing officers and servants.

60.—(1) Subject to the provisions of this Act—

(*a*) every officer and servant of the Conservators, unless he is immediately before the appointed day employed solely or mainly in connexion with the powers and duties of the Conservators not transferred by this Act to the Port Authority; and

(*b*) every officer and servant of the several dock companies; and

(*c*) every officer and servant of the Watermen's Company immediately before the appointed day employed solely or mainly in connexion with the powers and duties of the Watermen's Company or the court of that company by this Act transferred to the Port Authority,

(all which officers and servants are in this Act referred to as existing officers and servants) shall, as from the appointed day, become an officer or servant of the Port Authority, and shall hold his office or situation by the same tenure and upon like terms and conditions, (including all conditions regarding pension or other superannuation allowance) under the Port Authority as he would have held the same under the body from whom he is transferred if this Act had not been passed, and while performing the same duties shall receive not less salary, wages, or pay than he would have been entitled to if this Act had not been passed.

(2) Every existing officer and servant shall perform such duties as he may be required to perform by the Port Authority.

(3) The Port Authority may abolish the office or situation of any existing officer or servant which they deem unnecessary, and any existing officer or servant required to perform duties such as are not analogous, or which are an unreasonable addition to those which as an officer or servant of the body from whom he is transferred he was required to perform, may relinquish his office or service, and every existing officer or servant whose office is so abolished or who so relinquishes his office or service as aforesaid or who otherwise suffers any direct pecuniary loss in consequence of this Act, shall be entitled to be paid by the Port Authority compensation for such pecuniary loss, regard being had to the conditions on which his appointment was made, the nature of his office or employment, the duration of his service, and any other circumstances affecting the case.

51 & 52 Vict. c. 41.

(4) Subject to the provisions of this section, the provisions contained in section one hundred and twenty of the Local Government Act, 1888, relating to compensation to existing officers, shall apply to any claim for compensation by an existing officer or servant with the substitution of references to the Port Authority and port fund for references to the County Council and county fund.

(5) If within a period of five years after the appointed day the services of any existing officer or servant are dispensed with by the Port Authority because his services are not required, and not on account of misconduct or incapacity, or the salary to any such officer or servant is reduced on the ground that his duties have been diminished in consequence of the provisions of this Act, the officer or servant shall be deemed to have suffered direct pecuniary loss in consequence of this Act.

(6) Any person formerly in the employment of the Conservators, or of any dock company, or the Watermen's Company, who on the appointed day is, though not legally entitled thereto, in receipt of a pension or other superannuation allowance from the Conservators, or any dock company, or the Watermen's Company, shall continue to receive from the Port Authority the same pension or allowance unless he is guilty of grave misconduct, and any question whether he has been guilty of such misconduct shall, in case of difference be determined by the Board of Trade:

Provided that this provision shall not apply in the case of a person in receipt of a pension or superannuation allowance from the Conservators or the Watermen's Company unless the employment of the person whilst in the employ of the Conservators or Watermen's Company was of such a nature that, in the opinion of the Board of Trade, he would have been transferred to Port Authority had he been in that employment at the appointed day.

(7) In computing the time of service of any existing officer or servant for the purpose of determining the compensation to which he is entitled under this section, or of any superannuation or annual allowance that may be awarded him by the Port Authority under the provisions of the Superannuation (Metropolis) Act, 1866, as applied by this Act, or to which he may be entitled under the London and India Docks Pension Scheme, or the respective schemes of the Surrey Commercial Dock Company or otherwise, the period during which he has been in the service of the Conservators, a dock company, or the Watermen's Company shall be included:

29 & 30 Vict. c. 31.

Provided that as respects the officers mentioned in the Seventh Schedule to this Act (being officers who were appointed to their offices as specially qualified persons at an age exceeding that at which public service ordinarily begins) the provisions of this subsection shall apply as modified by that schedule.

(8) Charles James More, the engineer of the Conservators, and Thomas Henry Cullis, the secretary of the Surrey Commercial

Dock Company, if they respectively continue to hold those offices till the appointed day, shall on the appointed day be entitled to relinquish their offices and to be paid by the Port Authority a superannuation allowance amounting to two-thirds of the salary payable to them respectively at the date of the introduction of the Bill for this Act.

(9) The liability of the Conservators in respect of any pension or superannuation allowance payable to James Hilditch Gough shall be transferred to the Port Authority.

(10) As respects Joseph Guinness Broodbank, the secretary to the London and India Docks Company, Thomas Hardy, the manager of that company, and Edward Francis Turner, the solicitor to that company, such of the provisions of the agreements made by that company with those officers respectively, the first two dated the eleventh day of February one thousand nine hundred and eight and the third dated the twenty-fourth day of February one thousand nine hundred and three, as determine the rights of those officers in the event of the undertaking of the company being purchased in pursuance of any statutory power (except in the case of the two first-mentioned agreements the provisions of clause six of those agreements) shall be substituted for the provisions of this section both as to the conditions of employment (if the Port Authority elect to employ them) and compensation and as respects the said provisions of those agreements the Port Authority shall, except as aforesaid, be subject to the exclusion of the company, to all the duties, liabilities, and obligations of the company under those agreements in like manner as if they were the company.

(11) Every existing officer or servant not entitled to compensation under this section, and not otherwise legally entitled to any pension or superannuation allowance, who becomes incapable of discharging the duties of his office with efficiency by reason of permanent infirmity of mind or body, or who has attained the age of sixty years, or who having been in the service of the Conservators, or a dock company, or the Watermen's Company for a period of not less than five years, is dismissed by the Port Authority on any ground other than misconduct shall, upon his resigning or otherwise ceasing to hold office, be entitled to a superannuation allowance upon the terms and conditions and according to the scale specified in the Superannuation (Metropolis) Act, 1866, as applied by this Act:

Provided that this provision shall not apply to any officer or servant who, having regard to the practice of the body from whom he is transferred with regard to pensioning their officers and servants, had no reasonable expectation of receiving a pension or superannuation allowance on retirement had he remained in the service of that body, and any question as to whether an officer or servant had such reasonable expectation shall be finally determined by the Board of Trade.

(12) If the Port Authority think—

(*a*) that any appointment to any office or service of the Conservators, a dock company, or the Watermen's Company, or any alteration in the rate of salary, wages, or pay of any existing officer or servant, made subsequently to the date of introduction of the Bill for this Act, was not reasonably necessary in the ordinary course of the business of the Conservators or the company; or

(*b*) that any grant or alteration of a pension or superannuation allowance, or of any right thereto, made by the Conservators, a dock company or the Watermen's Company subsequently to that date was not in accordance with the usual practice of the Conservators or the company with respect to granting or altering pensions or allowances,

the Port Authority may give notice in writing to the Conservators the dock company or the Watermen's Company to that effect within six weeks after the appointed day, and, if the Port Authority give such a notice, it shall be referred to an arbitrator appointed by the Board of Trade to determine whether or not the appointment, alteration or grant was reasonably necessary in the ordinary course of the business, or was in accordance with the usual practice of the Conservators or the company, and the arbitrator shall determine whether, and to what extent, as between the Port Authority and the Conservators or the company any liability arising in respect thereto is to be transferred to the Port Authority or is to continue as a liability of the Conservators or the company.

(13) Nothing in this Act shall prejudice or affect the rights or interests of any person who on or immediately before the appointed day is a member of the staff of the London and India Docks Company, or who may or would become or be entitled to a superannuation allowance of and in the pension fund or other fund formed by and under the provisions of the indenture and official circular mentioned in Part I. of the Eighth Schedule to this Act; but all the provisions of such deed and official circular in favour of or affecting the members of the staff of the London and India Docks Company, and their wives and families, shall remain in full force and effect, and the Port Authority shall, as from the appointed day, be entitled to all the benefits and interests, and be subject to all the liabilities of the London and India Docks Company under such indenture and official circular.

(14) Nothing in this Act shall prejudice or affect the rights or interests of any person who on or immediately before the appointed day is a member of the staff of the Surrey Commercial Dock Company, or entitled to a superannuation allowance under the provisions of any of the superannuation deeds mentioned in Part II. of the Eighth Schedule to this Act, or except as otherwise expressly provided by this Act with respect to James

Stranach Gaskell and Gilbert William Wheeler under any resolution of the company passed previously to the introduction of the Bill for this Act by which, for the purpose of any pension or superannuation allowance, any number of years has been added to the number of years during which any such person as aforesaid has actually served the company; but all the provisions of any of the said superannuation deeds and resolutions in favour of or affecting any such person as aforesaid shall remain in full force and effect, and the Port Authority shall, as from the appointed day, be entitled to all the benefits and interests and be subject to all the liabilities of the Surrey Commercial Dock Company under the said several superannuation deeds and resolutions.

(15) If any question arises as to whether an officer or servant is transferred to the Port Authority under this section, the question shall be determined by the Board of Trade.

(16) The temporary retention after the appointed day of the services of an officer or servant by any dock company in accordance with the provisions of this Act shall in no wise prejudice or affect his rights under this section.

(17) This section shall, with the necessary adaptations, apply to the officers and servants of the Conservators who are not transferred to the Port Authority in like manner as if the Conservators, as reconstituted by this Act, had been a new authority and those officers and servants had been transferred to that authority.

Amendment of Pilotage Order Confirmation Act, 1896.

61. As from the appointed day, and unless and until a Provisional Order under section five hundred and seventy-seven of the Merchant Shipping Act, 1894, dealing with the matter is made and confirmed, a shipowners' representative on the Pilotage Committee of the Trinity House shall, instead of being elected in the manner provided by the Order scheduled to the Pilotage Order Confirmation Act, 1896, be appointed by the Board of Trade after consultation with the General Shipowners' Society of London and such other persons or bodies having knowledge or experience of shipping in the Port of London as the Board think fit, and the Order scheduled to the Pilotage Order Confirmation Act, 1896, shall be read accordingly as though references to such an appointment were substituted for references to elections by shipowners.

59 & 60 Vict. c. xcvii.

Power of Board of Trade to remove difficulties.

62.—(1) If any difficulty arises with respect to the establishment of the Port Authority, or the reconstitution of the Conservators, or to the appointment of the first members, or to the first meeting of the Port Authority or of the Conservators as reconstituted, the Board of Trade may by order make any appointment or do anything which appears to them to be necessary or expedient for the proper establishment of the Port Authority, or the reconstitution of the Conservators, and the proper holding of the first meeting:

Provided that nothing in this section shall empower the Board of Trade to alter the number of the Conservators or to alter or interfere with the right of any body under this Act to appoint a Conservator or Conservators or the proportion of representation to which any such body is entitled under this Act.

(2) Any such order may modify the provisions of this Act and the Thames Conservancy Act, 1894, so far as may appear to the Board of Trade necessary or expedient for carrying the order into effect.

Costs of Act.

63. All costs, charges, and expenses preliminary to and of and incidental to the preparing, applying for, obtaining, and passing of this Act incurred by the Board of Trade shall be repaid to that Board by the Port Authority when established under this Act.

SCHEDULES.

Section 1.

FIRST SCHEDULE.

CONSTITUTION OF PORT AUTHORITY.

PART I.

PROVISIONS AS TO PROCEEDINGS AT MEETINGS OF PORT AUTHORITY.

(1) At every meeting of the Port Authority, the chairman, if present, shall preside. If the chairman is absent, the vice-chairman, if present, shall preside. If both the chairman and vice-chairman are absent, such other member as the members then present choose shall preside.

(2) Every question at a meeting of the Port Authority shall be decided by a majority of votes of the members of the Port Authority present and voting on that question, and in the case of equality of votes the person presiding at the meeting shall have a second or casting vote.

(3) The quorum of the Port Authority shall be one-third of the whole number of the Port Authority.

(4) The Port Authority may appoint such and so many committees, either of a general or special nature, and consisting of such number of persons, and either wholly or partly of members of the Port Authority, as they think fit, for any purposes which, in the opinion of the Port Authority would be better regulated and managed by means of committees, and may delegate, with or without any restrictions or conditions, as they may think fit, any of their powers or duties, except any power of raising money, and except any powers of fixing or varying any dues, and except

any power of making any application to Parliament or to the Board of Trade in respect of any such dues, to any committee of the Port Authority so appointed, and the provisions of section eighty-two of the Local Government Act, 1888, with respect to proceedings of committees of county councils, shall apply to committees of the Port Authority as if they were committees of a county council: Provided that a majority of the members of every committee shall be members of the Port Authority.

(5) A minute of the proceedings of the Port Authority or of a committee thereof, signed at the same or the next ensuing meeting by a member of the Port Authority or committee describing himself as, or appearing to be chairman of the meeting at which the minute is signed, shall be received in evidence without further proof.

(6) Until the contrary is proved, every meeting in respect of the proceedings whereof a minute has been so made shall be deemed to have been duly convened and held, and all the members of the meeting shall be deemed to have been duly qualified; and where the proceedings are proceedings of a committee, the committee shall be deemed to have been duly constituted and to have had power to deal with the matter referred to in the minutes.

(7) Subject to the provisions of this Act, the Port Authority may regulate their own procedure.

(8) No act or proceeding of the Port Authority shall be questioned on account of any vacancy in their body, or on account of the election or appointment of any member having been defective.

Part II.

Provisions as to Qualifications of Chairman, Vice-Chairman, and other Members.

(1) A person shall be disqualified for being appointed or being chairman or vice-chairman, or being elected or appointed or being a member of the Port Authority if he—

(*a*) is not a British subject resident in the United Kingdom; or

(*b*) holds any paid office under the Port Authority save as permitted by this Act; or

(*c*) is concerned in any bargain or contract entered into with the Port Authority, or participates in the profit of any such bargain or contract, or of any work done under the authority of the Port Authority:

Provided that a person shall not be disqualified for being appointed or being chairman or vice-chairman, or being elected or appointed or being a member, by reason of being interested—

(i) in the sale or lease of any lands, or in any loan of money to the Port Authority, or in any contract with the Port Authority for the supply from land, of which he is owner or occupier, of materials for work being done by or under the authority of the Port Authority; or

(ii) in any newspaper in which any advertisement relating to the affairs of the Port Authority is inserted; or

(iii) in any bargain or contract with the Port Authority or made in the ordinary course of the dock or warehousing business of the Port Authority.

(2) A person shall be disqualified for being chairman, vice-chairman or other member of the Port Authority if he is convicted, either on indictment or summarily, of any crime, and sentenced to imprisonment

with hard labour without the option of a fine, or to any greater punishment, or is adjudged bankrupt, or makes a composition or arrangement with his creditors.

(3) If any member of the Port Authority appointed by the London County Council or the Corporation, who at the date of his appointment was a member of the appointing authority, ceases for three months to be a member of that authority, he shall at the end of that period vacate his office as member of the Port Authority, and if any member of the Port Authority appointed by the London County Council or the Corporation who at the date of his appointment was not a member of the appointing authority becomes a member of that authority he shall forthwith vacate his office as member of the Port Authority.

(4) If the chairman, vice-chairman or any other member is absent from meetings of the Port Authority for more than six months consecutively, except for some reason approved by the Port Authority, he shall, on the expiration of those months, vacate his office.

(5) Where the chairman, vice-chairman or other member becomes disqualified for holding office, or vacates his office from absence or otherwise, the Port Authority shall forthwith declare the office to be vacant, and shall notify the fact in such manner as they think fit, and thereupon the office shall become vacant.

PART III.

PROVISIONS AS TO TENURE OF OFFICE, CASUAL VACANCIES, &C.

(1) Subject to the provisions of this Schedule, the term of office of a member of the Port Authority shall be three years, and the term of office of the chairman and vice-chairman shall be three years.

(2) On the first day of April nineteen hundred and thirteen (and in the case of members appointed by the London County Council nineteen hundred and ten), and on the first day of April in every third year thereafter, all the elected and appointed members of the Port Authority shall go out of office, and their places shall be filled by new elections and new appointments to be held and made at such times as may be fixed by an Order made by the Board of Trade, but a person going out of office may, if otherwise qualified, be re-elected or re-appointed.

(3) The first business at the first meeting of the Port Authority, after the first day of April nineteen hundred and thirteen, and at the first meeting after the first day of April in every third year thereafter, shall be the new appointment of a chairman and vice-chairman, but a person going out of office may, if otherwise qualified, be re-appointed, and a chairman or vice-chairman shall continue in office until his successor is appointed.

(4) On a casual vacancy occurring in the Port Authority by reason of the death, resignation, disqualification, or absence of a member, or otherwise, the vacancy shall be filled,—

(*a*) in the case of an elected member, by a member co-opted by the remaining elected members of the Port Authority at a meeting of those members specially summoned for the purpose;

(*b*) in the case of an appointed member, by a member appointed by the authority by whom the vacating member was appointed:

and the person so co-opted or appointed shall hold office until the time when the person in whose place he is co-opted or appointed would have regularly gone out of office, and shall then go out of his office.

(5) On a vacancy occurring or being about to occur in the office of an appointed member the clerk or secretary of the Port Authority shall immediately give notice to the authority by which the vacancy is to be filled.

(6) On a person being elected or appointed a member, the returning officer or the appointing authority, as the case may be, shall forthwith give notice of the election or appointment to the Port Authority.

(7) The appointment of a member to be chairman or vice-chairman shall not create a casual vacancy.

(8) On a casual vacancy occurring in the office of chairman or vice-chairman of the Port Authority by reason of the death, resignation, disqualification, or absence of the chairman or vice-chairman, or otherwise, the person appointed in his place shall hold office until the time when the person in whose place he is appointed would regularly have gone out of office, and shall then go out of office.

Part IV.

Provisions as to Election of Elected Members.

(1) Subject to the provisions of this Act, elections of elected members shall be held at such times and in such manner and in accordance with such regulations as the Board of Trade may by order direct; and those regulations may contain all things necessary, preliminary, or incidental to the election.

Provided that, in prescribing the manner in which elections are to be conducted and votes are to be recorded, the Board of Trade shall have regard to the desirability of elections being so conducted and votes being so recorded whether by allowing the voter to record a vote for a number of candidates in order of preference or otherwise as to secure that so far as possible the several interests concerned shall be adequately represented on the Port Authority.

(2) The regulations may provide that (subject to duly qualified candidates presenting themselves) the elected members shall include as nearly as may be an equal number of persons whose principal business is or has been mainly connected with vessels and persons whose principal business is or has been mainly connected with goods.

(3) A register shall be formed and revised at such times, in such manner, and in accordance with such regulations as the Board of Trade may by order direct, comprising payers of dues, wharfingers, and owners of river craft.

(4) The register for the time being in force shall be conclusive evidence that the persons named therein and no others are entitled to vote at an election, and that those persons respectively are entitled to the number of votes stated therein.

(5) Subject to the provisions of this Schedule, every person shall be entitled to have his name entered on the register as a payer of dues who is resident in the United Kingdom, and has on his own account during the preceding financial year paid to the Port Authority dues amounting in the aggregate to not less than ten pounds.

(6) Subject to the provisions of this Schedule, every person shall be entitled to have his name entered on the register as a wharfinger who is resident in the United Kingdom, and was, on the prescribed date, the occupier of a wharf, quay, warehouse, or granary adjoining the Port of London mainly used for warehousing the goods imported into the port of London of persons other than the occupier of such premises, the rateable value of which is not less than fifty pounds.

(7) Subject to the provisions of this Schedule, every person shall be entitled to have his name entered on the register as an owner of river craft who is resident in the United Kingdom and was on the prescribed date the owner of such a craft.

(8) Subject to the provisions of this Schedule, each person whose name is entered on the register shall, at any election of members to be elected by payers of dues, wharfingers, and owners of river craft, be entitled to give one or more votes according to the following scales :—

(*a*) In the case of a person entered on the register as a payer of dues—

	£		£	
Where the dues amount to	10	but do not amount to	25	Votes, 1
" " "	25	" "	50	" 2
" " "	50	" "	100	" 3
" " "	100	" "	200	" 4
" " "	200	" "	400	" 5
" " "	400	" "	800	" 6
" " "	800	" "	1,500	" 7
" " "	1,500	" "	3,000	" 8
" " "	3,000	" "	5,000	" 9

and for every additional 2,000*l.* over 5,000*l.* one vote, so, however, that the total number of votes to which any one payer of dues is entitled shall not exceed fifty.

(*b*) In the case of a person entered on the register as a wharfinger—

Where the rateable value of the premises amounts to—

50*l.* but does not amount to		125*l.*	-	Votes, 1
125*l.* "	"	250*l.*	-	" 2
250*l.* "	"	500*l.*	-	" 3
500*l.* "	"	1,000*l.*	-	" 4
1,000*l.* "	"	1,500*l.*	-	" 5
1,500*l.* "	"	2,000*l.*	-	" 6
2,000*l.* "	"	3,000*l.*	-	" 7
3,000*l.* "	"	4,000*l.*	-	" 8
4,000*l.* "	"	5,000*l.*	-	" 9

Where the rateable value amounts to 5,000*l.* or over, 10 votes.

(*c*) In the case of a person entered on the register as an owner of river craft.

Where the number of craft owned amounts to—

1 but does not amount to		10	- - - -	Votes, 1
10 "	"	30	- - - -	" 2
30 "	"	50	- - - -	" 3
50 "	"	100	- - - -	" 4
100 "	"	150	- - - -	" 5
150 "	"	200	- - - -	" 6
200 "	"	300	- - - -	" 7
300 "	"	400	- - - -	" 8
400 "	"	500	- - - -	" 9

Where the number of craft owned amounts to 500 or over " 10

(9) Subject to the provisions of this Schedule the persons entitled to vote at an election of a member to be elected by wharfingers shall be the persons entered upon the register as wharfingers and no others, and at such an election each person shall be entitled to give one or more votes according to the scale hereinbefore contained.

(10) Where a wharfinger is the occupier of two or more premises separately assessed, he shall be entitled to be entered on the register and to vote in respect of each of such premises in like manner as if as respects each of such premises he were a separate person.

(11) Where any dues have been paid on account of a company or a firm, or the owners of any ship or river craft who are not partners, or where a company or a firm or an association or body of persons are the occupiers of such a wharf, quay, warehouse, or granary as aforesaid, or where any river craft is owned by a company or a firm or by persons who are not partners, the dues shall be deemed to have been paid on his own account by such one of the directors or officers of the company or partners in the firm or members of the association or body or owners of the ship or river craft or other person as the directors or firm or association or body or owners may appoint in the prescribed manner, and the wharf, quay, warehouse, or granary shall be deemed to be occupied, and the craft owned, by a director or partner or owner or member similarly appointed.

(12) Where a person possesses more than one qualification he shall be entitled to be entered on the register and to vote in respect of each such qualification, in like manner as if as respects each such qualification he were a separate person.

(13) If at any time it appears to the Board of Trade that, as a result of the qualifications and scales of votes fixed by this Schedule the voting power of any voters or class of voters is disproportionate or inadequate having regard to their interest in the Port of London, the Board may by provisional order make such variations in those qualifications or scales of votes as may seem to them to be just, and may provide for different qualifications and different scales of votes for different classes of payers of dues.

(14) All proper expenses of or incidental to the formation or revision of the register, or of or incidental to an election of an elected member shall, subject to any regulations in any order of the Board of Trade made under this Part of this Schedule, be defrayed by the Port Authority.

(15) The Port Authority shall not themselves be entitled to be entered or to appoint any person to be entered, on the register in respect of any qualification possessed by the Port Authority.

(16) Any forms provided or sanctioned by the Port Authority for use in connection with the payment of any dues shall contain a column for the insertion therein of the name and address of the person on whose account the dues are paid :

Where dues paid by any person are paid by him on behalf of any other person and are directly recoverable by him from that other person that other person shall if he so requires be entered as the person by whom and on whose account the dues are paid :

Provided that where the owner or master of a ship or a public wharfinger has in pursuance of this Act paid rates on goods on behalf of some other person the rates shall for the purposes of this Schedule be deemed to have been paid by and on account of such other person.

Subject as aforesaid the person by whom the dues are paid shall for the purposes of this Schedule be deemed to be the person on whose account they are paid.

(17) For the purposes of this Schedule "dues" shall not include fees in respect of the registration or licensing of craft and boats but shall include payments in commutation of dues.

(18) For the purposes of the first election under this Act "dues" shall include dues of such classes and in respect of such services only as may be set forth in a Provisional Order to be made by the Board of Trade.

PART V.

PROVISION AS TO FIRST CONSTITUTION AND FIRST MEETING.

(1) The Board of Trade shall take such steps as may be necessary for constituting the Port Authority as soon as may be after the passing of this Act, and for summoning the first meeting of the Port Authority and regulating the proceedings thereat, and all authorities and persons shall comply with any instructions issued by the Board of Trade for that purpose, and any expenses incurred by the Board of Trade for the purpose aforesaid shall be repaid to that Board by the Port Authority when established.

(2) The notice of an appointment of an appointed member required by this Schedule to be given to the Port Authority shall, in the case of a first appointment, be given to the Board of Trade.

Sections 3, 54.

SECOND SCHEDULE.

(1) The amount of stock to be issued to the several dock companies under this Act, as consideration for their undertakings, shall be distributed amongst the holders of the various classes of stock of the companies at the rates of substitution specified in the following scales:—

(*a*) In the case of the London and India Docks Company—

For 100*l.* 3 per cent. A Debenture stock	there shall be substituted	100*l.* A Port stock.
„ 100*l.* 3 „ B „ „		100*l.* A „ „
„ 100*l.* 3 „ C „ „		100*l.* A „ „
„ 100*l.* 4 „ A preference „		100*l.* B „ „
„ 100*l.* 4 „ B „ „		100*l.* B „ „
„ 100*l.* preferred ordinary stock -		100*l.* B „ „
„ 100*l.* deferred „ -		75*l.* B „ „

(*b*) In the case of the Surrey Commercial Dock Company—

For 100*l.* 4½ per cent. debenture stock -	there shall be substituted	150*l.* A Port stock.
„ 100*l.* 4 „ (minimum) A preference stock.		112*l.* 10*s.* B Port stock.
„ 100*l.* 5 „ B preference stock		125*l.* B Port stock.
„ 100*l.* 5 „ C „ „		125*l.* B „ „
„ 100*l.* 5 „ D „ „		125*l.* B „ „
„ 100*l.* 5 „ E „ „		125*l.* B „ „
„ 100*l.* 5 „ F „ „		125*l.* B „ „
„ 100*l.* ordinary stock - - -		95*l.* B „ „

(*c*) In the case of the Millwall Dock Company—

For 100*l.* 5 per cent. debenture stock -	there shall be substituted	133*l.* 6*s.* 8*d.* A Port stock and 25*l.* B Port stock.
„ 100*l.* 4 „ „ „ -		100*l.* A Port stock and 25*l.* B Port stock.
„ 100*l.* 5 per cent. preference stock -		94*l.* B Port stock.
„ 100*l.* 4½ „ „ „ -		45*l.* B „ „
„ 100*l.* new 5 per cent. „ „ -		35*l.* B „ „
„ 100*l.* ordinary stock - -		24*l.* 10*s.* B Port stock.

(2) Immediately after the appointed day every holder of debenture or other stock in any dock company shall deliver up to the company the certificates of the stock held by him to be cancelled, and on such delivery the directors of the company shall issue or cause to be issued to each such stockholder in substitution for the stock of the company so held by him the amount of Port stock to which he is entitled under the foregoing scales :

Provided that the directors shall dispense with such delivery of a certificate if the loss or destruction thereof is proved to the reasonable satisfaction of the directors.

(3) The transfer books of the several dock companies shall be finally closed on such date previous to the issue of Port stock in substitution for the existing stocks of any such company as the directors of the company may determine, and notice of such closing shall be given by the company to the secretary of the London Stock Exchange, and also by advertisement in two London daily newspapers thirty days before the date on which such transfer books are to be closed, and after the date of closing such transfer books the company may refuse to register any transfer of any of the company's stocks.

(4) The Port Authority shall, if so required by a dock company, before the Port stock to be issued as consideration for the undertaking of the company is issued to the company, instead of issuing to the company the whole of the Port stock to be so issued to it, issue the Port stock to such amounts and to such persons as the company may require, and the issue of Port stock in accordance with such requirements shall, to that extent, discharge the Port Authority of their liability to issue Port stock to the company.

(5) Any money paid to a dock company by the Port Authority under the provisions of this Act shall be applied by the directors towards the payment and discharge of any liability which, under this Act, is to continue as a liability of the company, or is not otherwise provided for, and, subject thereto, shall be distributed amongst the various stockholders of the company in like manner as if it were profits available for immediate distribution as dividend, notwithstanding anything in any special Act relating to the company prescribing the date at which and the period in respect of which dividends on any particular classes of stock of the company may be distributed :

Provided that if authorised so to do by a special resolution of the company, the directors may pay thereout any sum in consideration of loss of office, or in recognition of any services rendered to the company.

(6) Where a dock company is unable after diligent inquiry to find the person to whom any Port stock is issuable or money payable under this schedule, or where any stock is issuable or money is payable to a person who, or whose committee cannot give an effectual receipt for the same, the company may transfer the stock or pay the money, as nearly as may be, in manner provided for payment of money into court by any Act for the time being in force for the relief of trustees, and such Act shall apply with all necessary modifications to such stock and money.

(7) When all Port stock issuable to a dock company has been distributed or paid into court as aforesaid and all such money has been applied and distributed as aforesaid, the company may apply to the Board of Trade, which, if satisfied that the said conditions have been complied with, shall give a certificate to that effect, and upon publication of such certificate in the London Gazette the company shall be dissolved.

(8) The rights conferred by this Act on the holders of the various classes of stocks of a dock company shall be in substitution for the rights conferred on them in the event of the winding-up of the company under the enactments relating to the company.

Section 8.

THIRD SCHEDULE.

PROVISIONS AS TO APPOINTMENT OF CONSERVATORS.

(1) The Conservators shall be appointed as follows :—

By the Board of Trade	4
By the Port Authority	1
By the Metropolitan Water Board	2
By the London County Council	3
By the Corporation	2
By the Gloucestershire and Wiltshire County Councils	1
By the Oxfordshire County Council	1
By the Berkshire County Council	1
By the Buckinghamshire County Council	1
By the Surrey County Council	1
By the Middlesex County Council	1
By the Hertfordshire County Council	1
By the Council of the City of Oxford	1
By the Council of the Borough of Reading	1
By the Council of the Borough of Kingston-upon-Thames	1
By the Councils of the Borough of Windsor and the Urban District of Eton	1
By the Council of the Borough of Henley-upon-Thames	1
By the Councils of the Borough of Maidenhead and the Urban District of Marlow	1
By the Councils of the Boroughs of Abingdon and Wallingford	1
By the Councils of the Urban Districts of Egham, Staines, Chertsey, Weybridge, Walton, and Sunbury	1
By the Councils of the Urban Districts of East and West Molesey, Esher and the Dittons, Surbiton, Hampton, Hampton Wick, and Teddington	1

(2) The mode of appointment and qualification of a Conservator appointed by two or more councils, other than the Gloucestershire and Wiltshire County Councils, shall be such as may be prescribed by regulations made by the Board of Trade.

(3) Two of the members appointed by the Board of Trade shall be appointed by the Board after consultation with such persons and associations concerned in the use of the river as a place of recreation as the Board may think fit and of the remaining two one shall be appointed by the Board after consultation with such persons and associations concerned in the use of the river for the purpose of barge traffic as the Board may think fit.

Section 33.

FOURTH SCHEDULE.

PROVISIONS AS TO PROVISIONAL ORDERS.

(1) The Board of Trade shall not make any Provisional Order under this Act unless public notice of the purport of the proposed Order has been previously given by advertisement in two successive weeks in some London newspaper.

(2) Before making any such Provisional Order, the Board of Trade shall consider any objections which may be made thereto by any persons affected thereby, and in cases where the subject matter is one to which an inquiry is applicable, shall cause to be made an inquiry, of which public notice shall be given in manner aforesaid, and at which all persons interested shall be permitted to attend and make objections.

(3) A Provisional Order may contain any incidental, consequential, or supplemental provisions which may appear to be necessary or proper for the purposes of the Order.

(4) The Board of Trade may submit to Parliament for confirmation any Provisional Order made by them in pursuance of this Act, but any such Order shall be of no force whatever unless and until it is confirmed by Parliament.

(5) If while the Bill confirming any such Order is pending in either House of Parliament, a petition is presented against any Order comprised therein, the Bill, so far as it relates to such Order, may be referred to a Select Committee, and the petitioner shall be allowed to appear and oppose as in the case of private Bills.

(6) Any Act confirming any Provisional Order made in pursuance of this Act, may be repealed, altered, or amended by any Provisional Order made by the Board of Trade and confirmed by Parliament.

(7) The Board of Trade may revoke, either wholly or partially, any Provisional Order made by them before the Order is confirmed by Parliament, but such revocation shall not be made whilst the Bill confirming the Order is pending in either House of Parliament.

(8) The making of a Provisional Order shall be primâ facie evidence that all the requirements of this Act in respect of proceedings required to be taken previously to the making of such Provisional Order have been complied with.

FIFTH SCHEDULE.

Section 49

DESCRIPTION OF LIMITS OF THE PORT OF LONDON.

The limits of the Port of London shall commence at an imaginary straight line (in this Act referred to as the landward limit of the port of London) drawn from high-water mark on the bank of the River Thames at the boundary line between the parishes of Teddington and Twickenham in the county of Middlesex to high-water mark on the Surrey bank of the river immediately opposite the first-mentioned point, and extend down both sides of the River Thames to an imaginary straight line (in this Act referred to as the seaward limit of the port of London) drawn from the pilot mark at the entrance of Havengore Creek, in the county of Essex, to the Land's End at Warden Point, in the Isle of Sheppey, in the county of Kent, and shall include all islands, rivers, streams, creeks, waters, watercourses, channels, harbours, docks, and places within the before-mentioned limits contained, and all places which under any Act of Parliament are to be deemed to be within the port of London, but shall not include any part of the River Medway above the seaward limit of the jurisdiction of the conservators of the River Medway, or any part of the River Swale, or any part of the River Lee or Bow Creek within the jurisdiction of the Lee Conservancy Board, or any part of the Grand Junction Canal.

Section 50.

SIXTH SCHEDULE.

REPEALS.

Session and Chapter.	Short Title.	Extent of Repeal.
22 & 23 Vict. c. cxxxiii.	The Watermen's and Lightermen's Amendment Act, 1859.	Sections four to seven; Section twenty-four; Section twenty-five from "subject to this proviso" to the end of the section; In section twenty-seven the words "to be named by the Conservators of the River Thames"; Sections twenty-nine to forty-one; In section fifty-two the words "subject to an appeal to the Conservators of the River Thames"; In section fifty-four the words "a freeman" where they first occur, and the words "or an apprentice qualified according to this Act to a freeman or to the widow of a freeman of the said Company"; Sections sixty-one to sixty-three; In section sixty-four the words from "and subject to an appeal" to "of the said court"; Section sixty-eight; In section seventy-one the words "with the sanction of the Conservators of the River Thames"; the words "and with the like sanction"; and from "Provided always," to the end of the section. In section eighty the words from "or with any of the byelaws" to "Conservancy of the River Thames," and from "Provided always" to the end of the section; Sections eighty-one to eighty-three; In section eighty-four the words "to work, row, or navigate any "barge, lighter, boat, or other "vessel, or"; Section eighty-six; Section eighty-seven; In section eighty-eight the words "freeman, apprentice, or"; Section eighty-nine;

Session and Chapter.	Short Title.	Extent of Repeal.
22 & 23 Vict. c. cxxxiii.—*cont.*	- - - -	In section ninety the words "at their Hall," and the words "and "shall be paid and distributed "to the poor, aged, and de- "cayed freemen of the said "company and their widows," and the words "Master, wardens, or assistants" whenever they occur; Sections ninety-one to ninety-three; Sections ninety-eight, one hundred, one hundred and one, and one hundred and three.
56 & 57 Vict. c. lxxxi.	The Thames Watermen's and Lightermen's Act, 1893.	In section three the definitions of "craft" and "boat"; In section sixteen the words "in a summary manner" and "in the place where is the principal waterside place of business of such owner." Section twenty-two; Section twenty-nine from "And all the provisions" to the end of the section; In section thirty the words "unless otherwise by this Act directed"; Sections thirty-three, thirty-six, and thirty-seven.
57 & 58 Vict. c. clxxxvii.	The Thames Conservancy Act, 1894.	In section three the definition of the Port of London; Sections six to nine and eleven to twenty-seven. In subsection (1) of section twenty-eight, paragraphs (A), (B), (F), and (G), and in paragraph (E) the word "county," and in paragraph (A) of subsection (2) of the same section the words "a member of the Trinity House or a member of the Common Council or," the word "county," where it secondly occurs, and the words "or a member of the board of directors or other governing body of a company or other body corporate." In section twenty-nine, subsection (2), from "in the case of a vacancy" to "in all other cases," subsection (3), subsection (5) from "or elected" to the end of the subsection, and subsection (6).

Session and Chapter.	Short Title.	Extent of Repeal.
57 & 58 Vict. c. clxxxvii.—*cont.*	- - - - -	In section thirty, the words "the Admiralty," "the Trinity House," "the Common Council," wherever they occur, "county," where it secondly and fourthly occurs, "or the metropolitan water companies or elected by the shipowners," and "or elected," and from "And provided that a conservator" to the end of the section. In section thirty-one, the words "or re-elected." In section thirty-two, the words "by the Admiralty or," "or by the Trinity House, or by the Common Council" "county," where it secondly and fourthly occurs, "by the Secretary to the Admiralty or," and "or by the Secretary of the Trinity House, or by the town clerk of the City of London." In section eighty-three the proviso to subsection (1). Section one hundred and thirty-four; In section one hundred and fifty-five, the words "All vessels for passengers only." In section one hundred and ninety-one, the words "For "regulating the mode of con- "ducting elections of conser- "vators under this Act." Sections two hundred and forty, two hundred and forty-two, and two hundred and forty-three, subsection (1) of section two hundred and fifty-three, subsection (1) of section two hundred and fifty-nine, subsection (1) of section two hundred and eighty-six, and subsection (1) of section two hundred and eighty-seven; and in subsection (2) of the last-mentioned section paragraph (A) and in paragraph (B) the words "one fourth of." In section three hundred and two the words "and shall be entered into, executed at Watermen's Hall." Section three hundred and three, from "and in case," to the end of the section.

Session and Chapter.	Short Title.	Extent of Repeal.
57 & 58 Vict. c. clxxxvii.—*cont.*	- - - -	In section three hundred and four, the words "and subject to the like appeal." Section three hundred and six. In section three hundred and seven the words "being a freeman of the company or," "as the case may be," and "admitted a freeman of the company or." Section three hundred and nine. Section three hundred and ten. Section three hundred and twelve. The Second Schedule; The Third Schedule.
2 Edw. 7. c. 41.	The Metropolis Water Act, 1902.	In the Third Schedule the paragraph numbered 5.
5 Edw. 7. c. cxcviii.	The Thames Conservancy Act, 1905.	Section four. In section seven the words "For "a period of three years from "the first day of January "1906."

SEVENTH SCHEDULE.

Section 60.

Officers entitled to Special Terms.

In respect of the following officers there shall be added to the number of years during which they have respectively actually served such number of years not exceeding twenty as the Port Authority, or on appeal, the Treasury, may think just; but the number of years so added in the case of any such officer shall not be less than will be sufficient to secure to the officer compensation or a superannuation allowance equal to one-half of the total annual emoluments which he is entitled to receive from the Port Authority at the date when his office is abolished or relinquished by him or his services are dispensed with under the provisions of this Act, or when he becomes entitled to a superannuation allowance on retirement or otherwise, as the case may be:—

Robert Philipson, secretary of the Conservators:
William Berrell, assistant engineer of the Conservators:
James Stranach Gaskell, chief engineer of the Surrey Commercial Dock Company:
Gilbert William Wheeler, assistant secretary of the Surrey Commercial Dock Company:
Walter Seth Tasker Biggs, secretary and joint manager of the Millwall Dock Company:

George Hazlehurst, superintendent and joint manager of the Millwall Dock Company:
Louis Stephen White, clerk to the Watermen's Company:

Provided that—

(*a*) In the case of the said James Stranach Gaskell and Gilbert William Wheeler the number of years to be added if they so elect shall in lieu of such number as aforesaid be the number of years added for the purposes of pension, under resolutions passed by the Surrey Commercial Dock Company, dated the twenty-third day of April one thousand nine hundred and three, and the twenty-sixth day of March one thousand nine hundred and eight respectively; and

(*b*) In the case of the said Walter Seth Tasker Biggs the emoluments to which he was entitled at the date of the introduction of the Bill for this Act as secretary of the Millwall Dock Equipment Company shall, in the event of that Company being wound up on the redemption and payment off of its stocks by the Port Authority, be treated for the purposes of compensation and pension as part of the emoluments of his office under the Millwall Dock Company.

An appeal to the Treasury under this schedule shall not be made after the expiration of three months from the decision of the Port Authority.

Section 60.

EIGHTH SCHEDULE.

PART I.

Indenture dated the seventeenth day of September one thousand eight hundred and ninety and made between the London and India Docks Joint Committee of the first part, Henry Willey Williams, and Edward Henry Baily of Dock House, Leadenhall Street, London, joint managers of the London and India Docks Joint Committee, and others of the second part, and Rodolph Alexander Hankey of No. 7, Mincing Lane, and others of the third part.

Official Circular issued by order of the directors of the London and India Docks Company and dated the fifteenth day of June one thousand nine hundred and seven relating to an improved scheme of grants payable at the death of officers and servants of that Company while in active service or after retirement on pension.

PART II.

(1) Indenture dated the fifteenth day of August one thousand eight hundred and ninety (being the original superannuation deed of the Surrey Commercial Dock Company):
(2) Indenture dated the tenth day of December one thousand eight hundred and ninety-one:
(3) Indenture dated the first day of December one thousand eight hundred and ninety-two:
(4) Indenture dated the thirtieth day of April one thousand eight hundred and ninety-six:

(5) Indenture dated the eleventh day of February one thousand eight hundred and ninety-seven:

(6) Indenture dated the seventh day of August one thousand nine hundred and three (the five last-mentioned Indentures being all supplemental to the first-mentioned Indenture):

(7) Another Indenture dated the seventh day of August one thousand nine hundred and three (being the new superannuation deed of the Surrey Commercial Dock Company):

(8) Indenture dated the eighteenth day of June one thousand nine hundred and eight supplemental to the last-mentioned Indenture.

CHAPTER 69.

An Act to consolidate the Companies Act, 1862, and the Acts amending it. [21st December 1908.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

PART I.

CONSTITUTION AND INCORPORATION.

Prohibition of Large Partnerships.

Prohibition of partnerships exceeding certain number.

1.—(1) No company, association, or partnership consisting of more than ten persons shall be formed for the purpose of carrying on the business of banking, unless it is registered as a company under this Act, or is formed in pursuance of some other Act of Parliament, or of letters patent.

(2) No company, association, or partnership consisting of more than twenty persons shall be formed for the purpose of carrying on any other business that has for its object the acquisition of gain by the company, association, or partnership, or by the individual members thereof, unless it is registered as a company under this Act, or is formed in pursuance of some other Act of Parliament, or of letters patent, or is a company engaged in working mines within the stannaries and subject to the jurisdiction of the court exercising the stannaries jurisdiction.

Memorandum of Association.

Mode of forming incorporated company.

2. Any seven or more persons (or, where the company to be formed will be a private company within the meaning of this Act, any two or more persons) associated for any lawful purpose may, by subscribing their names to a memorandum of association and otherwise complying with the requirements of this Act in respect of registration, form an incorporated

company, with or without limited liability (that is to say), either—

(i) A company having the liability of its members limited by the memorandum to the amount, if any, unpaid on the shares respectively held by them (in this Act termed a company limited by shares); or

(ii) A company having the liability of its members limited by the memorandum to such amount as the members may respectively thereby undertake to contribute to the assets of the company in the event of its being wound up (in this Act termed a company limited by guarantee); or

(iii) A company not having any limit on the liability of its members (in this Act termed an unlimited company).

Memorandum of company limited by shares.

3. In the case of a company limited by shares—

(1) The memorandum must state—

(i) The name of the company, with "Limited" as the last word in its name;

(ii) The part of the United Kingdom, whether England, Scotland, or Ireland, in which the registered office of the company is to be situate;

(iii) The objects of the company;

(iv) That the liability of the members is limited;

(v) The amount of share capital with which the company proposes to be registered, and the division thereof into shares of a fixed amount:

(2) No subscriber of the memorandum may take less than one share:

(3) Each subscriber must write opposite to his name the number of shares he takes.

Memorandum of company limited by guarantee.

4. In the case of a company limited by guarantee—

(1) The memorandum must state—

(i) The name of the company, with "Limited" as the last word in its name;

(ii) The part of the United Kingdom, whether England, Scotland, or Ireland, in which the registered office of the company is to be situate;

(iii) The objects of the company;

(iv) That the liability of the members is limited;

(v) That each member undertakes to contribute to the assets of the company in the event of its being wound up while he is a member, or within one year afterwards, for payment of the debts and liabilities of the company contracted before he ceases to be a member, and of the costs, charges, and expenses of winding up, and for adjustment of the rights of the contributories among themselves, such amount as may be required, not exceeding a specified amount.

(2) If the company has a share capital—

(i) The memorandum must also state the amount of share capital with which the company proposes to be registered and the division thereof into shares of a fixed amount;

(ii) No subscriber of the memorandum may take less than one share;

(iii) Each subscriber must write opposite to his name the number of shares he takes.

Memorandum of unlimited company.

5. In the case of an unlimited company—

(1) The memorandum must state—

(i) The name of the company;

(ii) The part of the United Kingdom, whether England, Scotland, or Ireland, in which the registered office of the company is to be situate;

(iii) The objects of the company.

(2) If the company has a share capital—

(i) No subscriber of the memorandum may take less than one share;

(ii) Each subscriber must write opposite to his name the number of shares he takes.

Stamp and signature of memorandum

6. The memorandum must bear the same stamp as if it were a deed, and must be signed by each subscriber in the presence of at least one witness who must attest the signature, and that attestation shall be sufficient in Scotland as well as in England and Ireland.

Restriction on alteration of memorandum.

7. A company may not alter the conditions contained in its memorandum except in the cases and in the mode and to the extent for which express provision is made in this Act.

Name of company and change of name.

8.—(1) A company may not be registered by a name identical with that by which a company in existence is already registered, or so nearly resembling that name as to be calculated to deceive, except where the company in existence is in the course of being dissolved and signifies its consent in such manner as the registrar requires.

(2) If a company, through inadvertence or otherwise, is, without such consent as aforesaid, registered by a name identical with that by which a company in existence is previously registered, or so nearly resembling it as to be calculated to deceive, the first-mentioned company may, with the sanction of the registrar, change its name.

(3) Any company may, by special resolution and with the approval of the Board of Trade signified in writing, change its name.

(4) Where a company changes its name, the registrar shall enter the new name on the register in place of the former name, and shall issue a certificate of incorporation altered to meet the circumstances of the case.

(5) The change of name shall not affect any rights or obligations of the company, or render defective any legal proceedings by or against the company, and any legal proceedings that might have been continued or commenced against it by its former name may be continued or commenced against it by its new name.

Alteration of objects of company.

9.—(1) Subject to the provisions of this section a company may, by special resolution, alter the provisions of its memorandum with respect to the objects of the company, so far as may be required to enable it—

(*a*) to carry on its business more economically or more efficiently; or

(*b*) to attain its main purpose by new or improved means; or

(*c*) to enlarge or change the local area of its operations; or

(*d*) to carry on some business which under existing circumstances may conveniently or advantageously be combined with the business of the company; or

(*e*) to restrict or abandon any of the objects specified in the memorandum.

(2) The alteration shall not take effect until and except in so far as it is confirmed on petition by the court.

(3) Before confirming the alteration the court must be satisfied—

(*a*) that sufficient notice has been given to every holder of debentures of the company, and to any persons or class of persons whose interests will, in the opinion of the court, be affected by the alteration; and

(*b*) that, with respect to every creditor who in the opinion of the court is entitled to object, and who signifies his objection in manner directed by the court, either his consent to the alteration has been obtained or his debt or claim has been discharged or has determined, or has been secured to the satisfaction of the court:

Provided that the court may, in the case of any person or class, for special reasons, dispense with the notice required by this section.

(4) The court may make an order confirming the alteration either wholly or in part, and on such terms and conditions as it thinks fit, and may make such order as to costs as it thinks proper.

(5) The court shall, in exercising its discretion under this section, have regard to the rights and interests of the members of the company or of any class of them, as well as to the rights and interests of the creditors, and may, if it thinks fit, adjourn the proceedings in order that an arrangement may be made to the satisfaction of the court for the purchase of the interests of dissentient members; and may give such directions and make such orders as it may think expedient for facilitating or carrying

into effect any such arrangement: Provided that no part of the capital of the company may be expended in any such purchase.

(6) An office copy of the order confirming the alteration, together with a printed copy of the memorandum as altered, shall, within fifteen days from the date of the order, be delivered by the company to the registrar of companies, and he shall register the same, and shall certify the registration under his hand, and the certificate shall be conclusive evidence that all the requirements of this Act with respect to the alteration and the confirmation thereof have been complied with, and thenceforth the memorandum so altered shall be the memorandum of the company.

The court may by order at any time extend the time for the delivery of documents to the registrar under this section for such period as the court may think proper.

(7) If a company makes default in delivering to the registrar of companies any document required by this section to be delivered to him, the company shall be liable to a fine not exceeding ten pounds for every day during which it is in default.

Articles of Association.

Registration of articles.

10.—(1) There may, in the case of a company limited by shares, and there shall in the case of a company limited by guarantee or unlimited, be registered with the memorandum articles of association signed by the subscribers to the memorandum and prescribing regulations for the company.

(2) Articles of Association may adopt all or any of the regulations contained in Table A. in the First Schedule to this Act.

(3) In the case of an unlimited company or a company limited by guarantee the articles, if the company has a share capital, must state the amount of share capital with which the company proposes to be registered.

(4) In the case of an unlimited company or a company limited by guarantee, if the company has not a share capital, the articles must state the number of members with which the company proposes to be registered, for the purpose of enabling the registrar to determine the fees payable on registration.

Application of Table A.

11. In the case of a company limited by shares and registered after the commencement of this Act, if articles are not registered, or, if articles are registered, in so far as the articles do not exclude or modify the regulations in Table A. in the First Schedule to this Act, those regulations shall, so far as applicable, be the regulations of the company in the same manner and to the same extent as if they were contained in duly registered articles.

Form, stamp, and signature of articles.

12. Articles must—

(*a*) be printed;

(*b*) be divided into paragraphs numbered consecutively;

(*c*) bear the same stamp as if they were contained in a deed; and

(*d*) be signed by each subscriber of the memorandum of association in the presence of at least one witness who must attest the signature, and that attestation shall be sufficient in Scotland as well as in England and Ireland.

Alteration of articles by special resolution.

13.—(1) Subject to the provisions of this Act and to the conditions contained in its memorandum, a company may by special resolution alter or add to its articles; and any alteration or addition so made shall be as valid as if originally contained in the articles, and be subject in like manner to alteration by special resolution.

(2) The power of altering articles under this section shall, in the case of an unlimited company formed and registered under the Joint Stock Companies Acts, extend to altering any regulations relating to the amount of capital or its distribution into shares, notwithstanding that those regulations are contained in the memorandum.

General Provisions.

Effect of memorandum and articles.

14.—(1) The memorandum and articles shall, when registered, bind the company and the members thereof to the same extent as if they respectively had been signed and sealed by each member, and contained covenants on the part of each member, his heirs, executors, and administrators, to observe all the provisions of the memorandum and of the articles, subject to the provisions of this Act.

(2) All money payable by any member to the company under the memorandum or articles shall be a debt due from him to the company, and in England and Ireland be of the nature of a specialty debt.

Registration of memorandum and articles.

15. The memorandum and the articles (if any) shall be delivered to the registrar of companies for that part of the United Kingdom in which the registered office of the company is stated by the memorandum to be situate, and he shall retain and register them.

Effect of registration.

16.—(1) On the registration of the memorandum of a company the registrar shall certify under his hand that the company is incorporated, and in the case of a limited company that the company is limited.

(2) From the date of incorporation mentioned in the certificate of incorporation, the subscribers of the memorandum together with such other persons as may from time to time become members of the company, shall be a body corporate by the name contained in the memorandum, capable forthwith of exercising all the functions of an incorporated company, and having perpetual succession and a common seal, with power to hold lands, but with such liability on the part of the members

to contribute to the assets of the company in the event of its being wound up as is mentioned in this Act.

Conclusiveness of certificate of incorporation.

17.—(1) A certificate of incorporation given by the registrar in respect of any association shall be conclusive evidence that all the requirements of this Act in respect of registration and of matters precedent and incidental thereto have been complied with, and that the association is a company authorised to be registered and duly registered under this Act.

(2) A statutory declaration by a solicitor of the High Court, and in Scotland by an enrolled law agent, engaged in the formation of the company, or by a person named in the articles as a director or secretary of the company, of compliance with all or any of the said requirements shall be produced to the registrar, and the registrar may accept such a declaration as sufficient evidence of compliance.

Copies of memorandum and articles to be given to members.

18.—(1) Every company shall send to every member, at his request, and on payment of one shilling or such less sum as the company may prescribe, a copy of the memorandum and of the articles (if any).

(2) If a company makes default in complying with the requirements of this section, it shall be liable for each offence to a fine not exceeding one pound.

Associations not for Profit.

Restriction on charitable and other companies holding land.

19. A company formed for the purpose of promoting art, science, religion, charity, or any other like object, not involving the acquisition of gain by the company or by its individual members, shall not, without the licence of the Board of Trade, hold more than two acres of land; but the Board may by licence empower any such company to hold lands in such quantity, and subject to such conditions, as the Board think fit.

Power to dispense with "Limited" in name of charitable and other companies.

20.—(1) Where it is proved to the satisfaction of the Board of Trade that an association about to be formed as a limited company is to be formed for promoting commerce, art, science, religion, charity, or any other useful object, and intends to apply its profits (if any) or other income in promoting its objects, and to prohibit the payment of any dividend to its members, the Board may by licence direct that the association be registered as a company with limited liability, without the addition of the word "Limited" to its name, and the association may be registered accordingly.

(2) A licence by the Board of Trade under this section may be granted on such conditions and subject to such regulations as the Board think fit, and those conditions and regulations shall be binding on the association, and shall, if the Board so direct, be inserted in the memorandum and articles, or in one of those documents.

(3) The association shall on registration enjoy all the privileges of limited companies, and be subject to all their

obligations, except those of using the word "Limited" as any part of its name, and of publishing its name, and of sending lists of members and directors and managers to the registrar of companies.

(4) A licence under this section may at any time be revoked by the Board of Trade, and upon revocation the registrar shall enter the word "Limited" at the end of the name of the association upon the register, and the association shall cease to enjoy the exemptions and privileges granted by this section:

Provided that before a licence is so revoked the Board shall give to the association notice in writing of their intention, and shall afford the association an opportunity of being heard in opposition to the revocation.

Companies limited by Guarantee.

Provision as to companies limited by guarantee.

21.—(1) In the case of a company limited by guarantee and not having a share capital, and registered on or after the first day of January, nineteen hundred and one, every provision in the memorandum or articles or in any resolution of the company purporting to give any person a right to participate in the divisible profits of the company otherwise than as a member shall be void.

(2) For the purpose of the provisions of this Act relating to the memorandum of a company limited by guarantee and of this section, every provision in the memorandum or articles, or in any resolution, of any company limited by guarantee and registered on or after the first day of January, nineteen hundred and one, purporting to divide the undertaking of the company into shares or interests shall be treated as a provision for a share capital, notwithstanding that the nominal amount or number of the shares or interests is not specified thereby.

PART II.

DISTRIBUTION AND REDUCTION OF SHARE CAPITAL, REGISTRATION OF UNLIMITED COMPANY AS LIMITED, AND UNLIMITED LIABILITY OF DIRECTORS.

Distribution of Share Capital.

Nature of shares.

22.—(1) The shares or other interest of any member in a company shall be personal estate, transferable in manner provided by the articles of the company, and shall not be of the nature of real estate.

(2) Each share in a company having a share capital shall be distinguished by its appropriate number.

Certificate of shares or stock.

23. A certificate, under the common seal of the company, specifying any shares or stock held by any member, shall be primâ facie evidence of the title of the member to the shares or stock.

Definition of member.

24.—(1) The subscribers of the memorandum of a company shall be deemed to have agreed to become members of the company, and on its registration shall be entered as members in its register of members.

(2) Every other person who agrees to become a member of a company, and whose name is entered in its register of members, shall be a member of the company.

Register of members.

25.—(1) Every company shall keep in one or more books a register of its members, and enter therein the following particulars:—

(i) The names and addresses, and the occupations, if any, of the members, and in the case of a company having a share capital a statement of the shares held by each member, distinguishing each share by its number, and of the amount paid or agreed to be considered as paid on the shares of each member;

(ii) The date at which each person was entered in the register as a member;

(iii) The date at which any person ceased to be a member.

(2) If a company fails to comply with this section it shall be liable to a fine not exceeding five pounds for every day during which the default continues; and every director and manager of the company who knowingly and wilfully authorises or permits the default shall be liable to the like penalty.

Annual list of members and summary.

26.—(1) Every company having a share capital shall once at least in every year make a list of all persons who, on the fourteenth day after the first or only ordinary general meeting in the year, are members of the company, and of all persons who have ceased to be members since the date of the last return or (in the case of the first return) of the incorporation of the company.

(2) The list must state the names, addresses, and occupations of all the past and present members therein mentioned, and the number of shares held by each of the existing members at the date of the return, specifying shares transferred since the date of the last return or (in the case of the first return) of the incorporation of the company by persons who are still members and have ceased to be members respectively and the dates of registration of the transfers, and must contain a summary distinguishing between shares issued for cash and shares issued as fully or partly paid up otherwise than in cash, and specifying the following particulars:—

(*a*) The amount of the share capital of the company, and the number of the shares into which it is divided;

(*b*) The number of shares taken from the commencement of the company up to the date of the return;

(*c*) The amount called up on each share;

(*d*) The total amount of calls received;

(*e*) The total amount of calls unpaid;

(*f*) The total amount of the sums (if any) paid by way of commission in respect of any shares or debentures, or allowed by way of discount in respect of any debentures, since the date of the last return;

(*g*) The total number of shares forfeited;

(*h*) The total amount of shares or stock for which share warrants are outstanding at the date of the return;

(*i*) The total amount of share warrants issued and surrendered respectively since the date of the last return;

(*k*) The number of shares or amount of stock comprised in each share warrant;

(*l*) The names and addresses of the persons who at the date of the return are the directors of the company, or occupy the position of directors, by whatever name called; and

(*m*) The total amount of debt due from the company in respect of all mortgages and charges which are required (or, in the case of a company registered in Scotland, which, if the company had been registered in England, would be required) to be registered with the registrar of companies under this Act, or which would have been required so to be registered if created after the first day of July nineteen hundred and eight.

(3) The summary must also (except where the company is a private company) include a statement, made up to such date as may be specified in the statement, in the form of a balance sheet, audited by the company's auditors, and containing a summary of its share capital, its liabilities, and its assets, giving such particulars as will disclose the general nature of those liabilities and assets, and how the values of the fixed assets have been arrived at, but the balance sheet need not include a statement of profit and loss.

(4) The above list and summary must be contained in a separate part of the register of members, and must be completed within seven days after the fourteenth day aforesaid, and the company must forthwith forward to the registrar of companies a copy signed by the manager or by the secretary of the company.

(5) If a company makes default in complying with the requirements of this section it shall be liable to a fine not exceeding five pounds for every day during which the default continues, and every director and manager of the company who knowingly and wilfully authorises or permits the default shall be liable to the like penalty.

Trusts not to be entered on register.

27. No notice of any trust, expressed, implied, or constructive, shall be entered on the register, or be receivable by the registrar, in the case of companies registered in England or Ireland.

Registration of transfer at request of transferor.

28. On the application of the transferor of any share or interest in a company, the company shall enter in its register

of members the name of the transferee in the same manner and subject to the same conditions as if the application for the entry were made by the transferee.

Transfer by personal representative.

29. A transfer of the share or other interest of a deceased member of a company made by his personal representative shall, although the personal representative is not himself a member, be as valid as if he had been a member at the time of the execution of the instrument of transfer.

Inspection of register of members.

30.—(1) The register of members, commencing from the date of the registration of the company, shall be kept at the registered office of the company, and, except when closed under the provisions of this Act, shall during business hours (subject to such reasonable restrictions as the company in general meeting may impose, so that not less than two hours in each day be allowed for inspection) be open to the inspection of any member gratis, and to the inspection of any other person on payment of one shilling, or such less sum as the company may prescribe, for each inspection.

(2) Any member or other person may require a copy of the register, or of any part thereof, or of the list and summary required by this Act, or any part thereof, on payment of sixpence, or such less sum as the company may prescribe, for every hundred words or fractional part thereof required to be copied.

(3) If any inspection or copy required under this section is refused, the company shall be liable for each refusal to a fine not exceeding two pounds, and to a further fine not exceeding two pounds for every day during which the refusal continues, and every director and manager of the company who knowingly authorises or permits the refusal shall be liable to the like penalty; and, as respects companies registered in England or Ireland, any judge of the High Court, or the judge of the court exercising the stannaries jurisdiction in the case of companies subject to that jurisdiction, may by order compel an immediate inspection of the register.

Power to close register.

31. A company may, on giving notice by advertisement in some newspaper circulating in the district in which the registered office of the company is situate, close the register of members for any time or times not exceeding in the whole thirty days in each year.

Power of court to rectify register.

32.—(1) If—

(*a*) the name of any person is, without sufficient cause, entered in or omitted from the register of members of a company; or

(*b*) default is made or unnecessary delay takes place in entering on the register the fact of any person having ceased to be a member,

the person aggrieved, or any member of the company, or the company, may apply to the court for rectification of the register.

(2) The application may be made, as respects companies registered in England or Ireland, by motion in the High Court, or by application to a judge of the High Court sitting in chambers, or by application to the judge of the court exercising the stannaries jurisdiction in the case of companies subject to that jurisdiction, and, as respects companies registered in Scotland, by summary petition to the Court of Session, or in such other manner as the said courts may respectively direct; and the court may either refuse the application, or may order rectification of the register, and payment by the company of any damages sustained by any party aggrieved.

(3) On any application under this section the court may decide any question relating to the title of any person who is a party to the application to have his name entered in or omitted from the register, whether the question arises between members or alleged members, or between members or alleged members on the one hand and the company on the other hand; and generally may decide any question necessary or expedient to be decided for rectification of the register.

(4) In the case of a company required by this Act to send a list of its members to the registrar of companies, the court, when making an order for rectification of the register, shall by its order direct notice of the rectification to be given to the registrar.

Register to be evidence.

33. The register of members shall be primâ facie evidence of any matters by this Act directed or authorised to be inserted therein.

Power for company to keep colonial register.

34.—(1) A company having a share capital, whose objects comprise the transaction of business in a colony, may, if so authorised by its articles, cause to be kept in any colony in which it transacts business a branch register of members resident in that colony (in this Act called a colonial register).

(2) The company shall give to the registrar of companies notice of the situation of the office where any colonial register is kept, and of any change in its situation, and of the discontinuance of the office in the event of its being discontinued.

(3) For the purpose of the provisions of this Act relating to colonial registers the term "colony" includes British India and the Commonwealth of Australia.

Regulations as to colonial register.

35.—(1) A colonial register shall be deemed to be part of the company's register of members (in this and the next following section called the principal register).

(2) It shall be kept in the same manner in which the principal register is by this Act required to be kept, except that the advertisement before closing the register shall be inserted in some newspaper circulating in the district wherein the colonial register is kept, and that any competent court in the colony may exercise the same jurisdiction of rectifying the register as is under this Act exerciseable by the High Court, and that the

offences of refusing inspection or copies of a colonial register, and of authorising or permitting the refusal may be prosecuted summarily before any tribunal in the colony having summary criminal jurisdiction.

(3) The company shall transmit to its registered office a copy of every entry in its colonial register as soon as may be after the entry is made; and shall cause to be kept at its registered office, duly entered up from time to time, a duplicate of its colonial register, and the duplicate shall, for all the purposes of this Act, be deemed to be part of the principal register.

(4) Subject to the provisions of this section with respect to the duplicate register, the shares registered in a colonial register shall be distinguished from the shares registered in the principal register, and no transaction with respect to any shares registered in a colonial register shall, during the continuance of that registration, be registered in any other register.

(5) The company may discontinue to keep any colonial register, and thereupon all entries in that register shall be transferred to some other colonial register kept by the company in the same colony, or to the principal register.

(6) Subject to the provisions of this Act, any company may, by its articles, make such provisions as it may think fit respecting the keeping of colonial registers.

Stamp duties in case of shares registered in colonial registers.

36. In relation to stamp duties the following provisions shall have effect:—

(*a*) An instrument of transfer of a share registered in a colonial register shall be deemed to be a transfer of property situate out of the United Kingdom, and, unless executed in any part of the United Kingdom, shall be exempt from British stamp duty:

(*b*) On the death of a member registered in a colonial register, the shares of the deceased member shall, if he died domiciled in the United Kingdom, but not otherwise, be deemed, so far as relates to British duties, to be part of his estate and effects situate in the United Kingdom for or in respect of which probate or letters of administration is or are to be granted, or whereof an inventory is to be exhibited and recorded, in like manner as if he were registered in the principal register.

Issue and effect of share warrants to bearer.

37.—(1) A company limited by shares, if so authorised by its articles, may, with respect to any fully paid-up shares, or to stock, issue under its common seal a warrant stating that the bearer of the warrant is entitled to the shares or stock therein specified, and may provide, by coupons or otherwise, for the payment of the future dividends on the shares or stock included in the warrant, in this Act termed a share warrant.

(2) A share warrant shall entitle the bearer thereof to the shares or stock therein specified, and the shares or stock may be transferred by delivery of the warrant.

(3) The bearer of a share warrant shall, subject to the articles of the company, be entitled, on surrendering it for cancellation, to have his name entered as a member in the register of members; and the company shall be responsible for any loss incurred by any person by reason of the company entering in its register the name of a bearer of a share warrant in respect of the shares or stock therein specified without the warrant being surrendered and cancelled.

(4) The bearer of a share warrant may, if the articles of the company so provide, be deemed to be a member of the company within the meaning of this Act, either to the full extent or for any purposes defined in the articles; except that he shall not be qualified in respect of the shares or stock specified in the warrant for being a director or manager of the company, in cases where such a qualification is required by the articles.

(5) On the issue of a share warrant the company shall strike out of its register of members the name of the member then entered therein as holding the shares or stock specified in the warrant as if he had ceased to be a member, and shall enter in the register the following particulars, namely:—

(i) The fact of the issue of the warrant;

(ii) A statement of the shares or stock included in the warrant, distinguishing each share by its number; and

(iii) The date of the issue of the warrant.

(6) Until the warrant is surrendered, the above particulars shall be deemed to be the particulars required by this Act to be entered in the register of members; and, on the surrender, the date of the surrender must be entered as if it were the date at which a person ceased to be a member.

Forgery, personation, unlawfully engraving plates, &c.

38.—(1) If any person—

(i) with intent to defraud, forges or alters, or offers, utters, disposes of, or puts off, knowing the same to be forged or altered, any share warrant or coupon, or any document purporting to be a share warrant or coupon, issued in pursuance of this Act; or by means of any such forged or altered share warrant, coupon, or document, purporting as aforesaid, demands or endeavours to obtain or receive any share or interest in any company under this Act, or to receive any dividend or money payable in respect thereof, knowing the warrant, coupon, or document to be forged or altered; or

(ii) falsely and deceitfully personates any owner of any share or interest in any company, or of any share warrant or coupon, issued in pursuance of this Act, and thereby obtains or endeavours to obtain any such share or interest or share warrant or coupon, or receives or endeavours to receive any money due

to any such owner, as if the offender were the true and lawful owner,

he shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for life or for any term not less than three years.

(2) If any person without lawful authority or excuse, proof whereof shall lie on him, engraves or makes on any plate, wood, stone, or other material any share warrant or coupon purporting to be a share warrant or coupon issued or made by any particular company in pursuance of this Act, or to be a blank share warrant or coupon so issued or made, or to be a part of such a share warrant or coupon, or uses any such plate, wood, stone, or other material for the making or printing of any such share warrant or coupon, or of any such blank share warrant or coupon, or any part thereof respectively, or knowingly has in his custody or possession any such plate, wood, stone, or other material, he shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding fourteen years and not less than three years.

Power of company to arrange for different amounts being paid on shares.

39. A company, if so authorised by its articles, may do any one or more of the following things; namely,—

(1) Make arrangements on the issue of shares for a difference between the shareholders in the amounts and times of payment of calls on their shares:

(2) Accept from any member who assents thereto the whole or a part of the amount remaining unpaid on any shares held by him, although no part of that amount has been called up:

(3) Pay dividend in proportion to the amount paid up on each share where a larger amount is paid up on some shares than on others.

Power to return accumulated profits in reduction of paid-up share capital.

40.—(1) When a company has accumulated a sum of undivided profits, which with the sanction of the shareholders may be distributed among the shareholders in the form of a dividend or bonus, it may, by special resolution, return the same, or any part thereof, to the shareholders in reduction of the paid-up capital of the company, the unpaid capital being thereby increased by a similar amount.

(2) The resolution shall not take effect until a memorandum, showing the particulars required by this Act in the case of a reduction of share capital, has been produced to and registered by the registrar of companies, but the other provisions of this Act with respect to reduction of share capital shall not apply to a reduction of paid-up share capital under this section.

(3) On a reduction of paid-up capital in pursuance of this section any shareholder, or any one or more of several joint shareholders, may within one month after the passing of the resolution for the reduction, require the company to retain, and the company shall retain accordingly, the whole of the money

actually paid on the shares held by him either alone or jointly with any other person, which, in consequence of the reduction, would otherwise be returned to him or them, and thereupon those shares shall, as regards the payment of dividend, be deemed to be paid up to the same extent only as the shares on which payment has been accepted by the shareholders in reduction of paid-up capital, and the company shall invest and keep invested the money so retained in such securities authorised for investment by trustees as the company may determine, and on the money so invested or on so much thereof as from time to time exceeds the amount of calls subsequently made on the shares in respect of which it has been retained, the company shall pay the interest received from time to time on the securities.

(4) The amount retained and invested shall be held to represent the future calls which may be made to replace the share capital so reduced on those shares, whether the amount obtained on sale of the whole or such proportion thereof as represents the amount of any call when made produces more or less than the amount of the call.

(5) On a reduction of paid-up share capital in pursuance of this section, the powers vested in the directors of making calls on shareholders in respect of the amount unpaid on their shares shall extend to the amount of the unpaid share capital as augmented by the reduction.

(6) After any reduction of share capital under this section the company shall specify in the annual list of members required by this Act the amounts retained at the request of any of the shareholders in pursuance of this section, and shall specify in the statements of account laid before any general meeting of the company the amount of undivided profits returned in reduction of paid-up share capital under this section.

Power of company limited by shares to alter its share capital.

41.—(1) A company limited by shares, if so authorised by its articles, may alter the conditions of its memorandum as follows (that is to say), it may—

(*a*) increase its share capital by the issue of new shares of such amount as it thinks expedient;

(*b*) consolidate and divide all or any of its share capital into shares of larger amount than its existing shares;

(*c*) convert all or any of its paid-up shares into stock, and reconvert that stock into paid-up shares of any denomination;

(*d*) subdivide its shares, or any of them, into shares of smaller amount than is fixed by the memorandum, so, however, that in the subdivision the proportion between the amount paid and the amount, if any, unpaid on each reduced share shall be the same as it was in the case of the share from which the reduced share is derived;

(*e*) cancel shares which, at the date of the passing of the resolution in that behalf, have not been taken or

agreed to be taken by any person, and diminish the amount of its share capital by the amount of the shares so cancelled.

(2) The powers conferred by this section with respect to subdivision of shares must be exercised by special resolution.

(3) Where any alteration has been made under this section in the memorandum of a company, every copy of the memorandum issued after the date of the alteration shall be in accordance with the alteration.

If a company makes default in complying with this provision it shall be liable to a fine not exceeding one pound for each copy in respect of which default is made; and every director and manager of the company who knowingly and wilfully authorises or permits the default shall be liable to the like penalty.

(4) A cancellation of shares in pursuance of this section shall not be deemed to be a reduction of share capital within the meaning of this Act.

Notice to registrar of consolidation of share capital, conversion of shares into stock, &c.

42. Where a company having a share capital has consolidated and divided its share capital into shares of larger amount than its existing shares, or converted any of its shares into stock, or reconverted stock into shares, it shall give notice to the registrar of companies of the consolidation, division, conversion, or reconversion specifying the shares consolidated, divided, or converted, or the stock reconverted.

Effect of conversion of shares into stock.

43. Where a company having a share capital has converted any of its shares into stock, and given notice of the conversion to the registrar of companies, all the provisions of this Act which are applicable to shares only shall cease as to so much of the share capital as is converted into stock; and the register of members of the company, and the list of members to be forwarded to the registrar, shall show the amount of stock held by each member instead of the amount of shares and the particulars relating to shares hereinbefore required by this Act.

Notice of increase of share capital or of members.

44.—(1) Where a company having a share capital, whether its shares have or have not been converted into stock, has increased its share capital beyond the registered capital, and where a company not having a share capital has increased the number of its members beyond the registered number, it shall give to the registrar of companies, in the case of an increase of share capital, within fifteen days after the passing, or in the case of a special resolution the confirmation, of the resolution authorising the increase, and in the case of an increase of members within fifteen days after the increase was resolved on or took place, notice of the increase of capital or members, and the registrar shall record the increase.

(2) If a company makes default in complying with the requirements of this section it shall be liable to a fine not exceeding five pounds for every day during which the default continues, and every director and manager of the company who

knowingly and wilfully authorises or permits the default shall be liable to the like penalty.

Reorganisation of share capital.

45.—(1) A company limited by shares may, by special resolution confirmed by an order of the court, modify the conditions contained in its memorandum so as to reorganise its share capital, whether by the consolidation of shares of different classes or by the division of its shares into shares of different classes:

Provided that no preference or special privilege attached to or belonging to any class of shares shall be interfered with except by a resolution passed by a majority in number of shareholders of that class holding three-fourths of the share capital of that class and confirmed at a meeting of shareholders of that class in the same manner as a special resolution of the company is required to be confirmed, and every resolution so passed shall bind all shareholders of the class.

(2) Where an order is made under this section an office copy thereof shall be filed with the registrar of companies within seven days after the making of the order, or within such further time as the court may allow, and the resolution shall not take effect until such a copy has been so filed.

Reduction of Share Capital.

Special resolution for reduction of share capital.

46.—(1) Subject to confirmation by the court, a company limited by shares, if so authorised by its articles, may by special resolution reduce its share capital in any way, and in particular (without prejudice to the generality of the foregoing power) may—

(*a*) Extinguish or reduce the liability on any of its shares in respect of share capital not paid up; or

(*b*) Either with or without extinguishing or reducing liability on any of its shares, cancel any paid-up share capital which is lost or unrepresented by available assets; or

(*c*) Either with or without extinguishing or reducing liability on any of its shares, pay off any paid-up share capital which is in excess of the wants of the company,

and may, if and so far as is necessary, alter its memorandum by reducing the amount of its share capital and of its shares accordingly.

(2) A special resolution under this section is in this Act called a resolution for reducing share capital.

Application to court for confirming order.

47. Where a company has passed and confirmed a resolution for reducing share capital it may apply by petition to the court for an order confirming the reduction.

Addition to name of company of "and reduced."

48. On and from the confirmation by a company of a resolution for reducing share capital, or where the reduction does not involve either the diminution of any liability in respect of unpaid share capital or the payment to any shareholder of any

paid-up share capital, then on and from the presentation of the petition for confirming the reduction, the company shall add to its name, until such date as the court may fix, the words "and reduced," as the last words in its name, and those words shall, until that date, be deemed to be part of the name of the company:

Provided that, where the reduction does not involve either the diminution of any liability in respect of unpaid share capital or the payment to any shareholder of any paid-up share capital, the court may, if it thinks expedient, dispense altogether with the addition of the words "and reduced."

Objections by creditors, and settlement of list of objecting creditors.

49.—(1) Where the proposed reduction of share capital involves either diminution of liability in respect of unpaid share capital or the payment to any shareholder of any paid-up share capital, and in any other case if the court so directs, every creditor of the company who at the date fixed by the court is entitled to any debt or claim which, if that date were the commencement of the winding up of the company, would be admissible in proof against the company, shall be entitled to object to the reduction.

(2) The court shall settle a list of creditors so entitled to object, and for that purpose shall ascertain, as far as possible without requiring an application from any creditor, the names of those creditors and the nature and amount of their debts or claims, and may publish notices fixing a day or days within which creditors not entered on the list are to claim to be so entered or are to be excluded from the right of objecting to the reduction.

(3) Where a creditor entered on the list whose debt or claim is not discharged or determined does not consent to the reduction, the court may, if it thinks fit, dispense with the consent of that creditor, on the company securing payment of his debt or claim by appropriating, as the court may direct, the following amount; (that is to say,)—

(i) If the company admits the full amount of his debt or claim, or, though not admitting it, is willing to provide for it, then the full amount of the debt or claim;

(ii) If the company does not admit or is not willing to provide for the full amount of the debt or claim, or if the amount is contingent or not ascertained, then an amount fixed by the court after the like inquiry and adjudication as if the company were being wound up by the court.

Order confirming reduction.

50. The court, if satisfied, with respect to every creditor of the company who under this Act is entitled to object to the reduction, that either his consent to the reduction has been obtained or his debt or claim has been discharged or has determined, or has been secured, may make an order confirming the reduction on such terms and conditions as it thinks fit.

Registration of order and minute of reduction.

51.—(1) The registrar of companies on production to him of an order of the court confirming the reduction of the share capital of a company, and the delivery to him of a copy of the order and of a minute (approved by the court), showing with respect to the share capital of the company, as altered by the order, the amount of the share capital, the number of shares into which it is to be divided, and the amount of each share, and the amount (if any) at the date of the registration deemed to be paid up on each share, shall register the order and minute.

(2) On the registration, and not before, the resolution for reducing share capital as confirmed by the order so registered shall take effect.

(3) Notice of the registration shall be published in such manner as the court may direct.

(4) The registrar shall certify under his hand the registration of the order and minute, and his certificate shall be conclusive evidence that all the requirements of this Act with respect to reduction of share capital have been complied with, and that the share capital of the company is such as is stated in the minute.

Minute to form part of memorandum.

52.—(1) The minute when registered shall be deemed to be substituted for the corresponding part of the memorandum of the company, and shall be valid and alterable as if it had been originally contained therein; and must be embodied in every copy of the memorandum issued after its registration.

(2) If a company makes default in complying with the requirements of this section it shall be liable to a fine not exceeding one pound for each copy in respect of which default is made, and every director and manager of the company who knowingly and wilfully authorises or permits the default shall be liable to the like penalty.

Liability of members in respect of reduced shares.

53. A member of the company, past or present, shall not be liable in respect of any share to any call or contribution exceeding in amount the difference (if any) between the amount paid, or (as the case may be) the reduced amount, if any, which is to be deemed to have been paid, on the share and the amount of the share as fixed by the minute:

Provided that if any creditor, entitled in respect of any debt or claim to object to the reduction of share capital, is, by reason of his ignorance of the proceedings for reduction, or of their nature and effect with respect to his claim, not entered on the list of creditors, and, after the reduction, the company is unable, within the meaning of the provisions of this Act with respect to winding up by the court, to pay the amount of his debt or claim, then—

(i) every person who was a member of the company at the date of the registration of the order for reduction and minute, shall be liable to contribute for the payment of that debt or claim an amount not exceeding the amount which he would have been liable to contribute

if the company had commenced to be wound up on the day before that registration; and

(ii) if the company is wound up, the court, on the application of any such creditor, and proof of his ignorance as aforesaid may, if it thinks fit, settle accordingly a list of persons so liable to contribute, and make and enforce calls and orders on the contributories settled on the list as if they were ordinary contributories in a winding up.

Nothing in this section shall affect the rights of the contributories among themselves.

Penalty on concealment of name of creditor.

54. If any director, manager, or officer of the company wilfully conceals the name of any creditor entitled to object to the reduction, or wilfully misrepresents the nature or amount of the debt or claim of any creditor, or if any director or manager of the company aids or abets in or is privy to any such concealment or misrepresentation as aforesaid, every such director, manager, or officer shall be guilty of a misdemeanor.

Publication of reasons for reduction.

55. In any case of reduction of share capital, the court may require the company to publish as the court directs the reasons for reduction, or such other information in regard thereto as the court may think expedient with a view to give proper information to the public, and, if the court thinks fit, the causes which led to the reduction.

Increase and reduction of share capital in case of a company limited by guarantee having a share capital.

56. A company limited by guarantee and registered on or after the first day of January nineteen hundred and one, may, if it has a share capital, and is so authorised by its articles, increase or reduce its share capital in the same manner and subject to the same conditions in and subject to which a company limited by shares may increase or reduce its share capital under the provisions of this Act.

Registration of Unlimited Company as Limited.

Registration of unlimited company as limited.

57.—(1) Subject to the provisions of this section, any company registered as unlimited may register under this Act as limited, or any company already registered as a limited company, may re-register under this Act, but the registration of an unlimited company as a limited company shall not affect any debts, liabilities, obligations, or contracts incurred or entered into by, to, with, or on behalf of the company before the registration, and those debts, liabilities, obligations, and contracts may be enforced in manner provided by Part VII. of this Act in the case of a company registered in pursuance of that Part.

(2) On registration in pursuance of this section the registrar shall close the former registration of the company, and may dispense with the delivery to him of copies of any documents with copies of which he was furnished on the occasion of the original registration of the company, but, save as aforesaid, the

registration shall take place in the same manner and shall have effect as if it were the first registration of the company under this Act, and as if the provisions of the Acts under which the company was previously registered and regulated had been contained in different Acts of Parliament from those under which the company is registered as a limited company.

Power of unlimited company to provide for reserved share capital on re-registration

58. An unlimited company having a share capital may, by its resolution for registration as a limited company in pursuance of this Act, do either or both of the following things, namely:—

(*a*) Increase the nominal amount of its share capital by increasing the nominal amount of each of its shares, but subject to the condition that no part of the increased capital shall be capable of being called up except in the event and for the purposes of the company being wound up;

(*b*) Provide that a specified portion of its uncalled share capital shall not be capable of being called up except in the event and for the purposes of the company being wound up.

Reserve Liability of Limited Company.

Reserve liability of limited company.

59. A limited company may by special resolution determine that any portion of its share capital which has not been already called up shall not be capable of being called up, except in the event and for the purposes of the company being wound up, and thereupon that portion of its share capital shall not be capable of being called up except in the event and for the purposes aforesaid.

Unlimited Liability of Directors.

Limited company may have directors with unlimited liability.

60.—(1) In a limited company the liability of the directors or managers, or of the managing director, may, if so provided by the memorandum, be unlimited.

(2) In a limited company in which the liability of a director or manager is unlimited, the directors or managers of the company (if any), and the member who proposes a person for election or appointment to the office of director or manager, shall add to that proposal a statement that the liability of the person holding that office will be unlimited, and the promoters, directors, managers, and secretary (if any) of the company, or one of them, shall, before the person accepts the office or acts therein, give him notice in writing that his liability will be unlimited.

(3) If any director, manager, or proposer makes default in adding such a statement, or if any promoter, director, manager, or secretary makes default in giving such a notice, he shall be liable to a fine not exceeding one hundred pounds, and shall also be liable for any damage which the person so elected or

appointed may sustain from the default, but the liability of the person elected or appointed shall not be affected by the default.

Special resolution of limited company making liability of directors unlimited.

61.—(1) A limited company, if so authorised by its articles, may, by special resolution, alter its memorandum so as to render unlimited the liability of its directors, or managers, or of any managing director.

(2) Upon the confirmation of any such special resolution the provisions thereof shall be as valid as if they had been originally contained in the memorandum; and a copy thereof shall be embodied in or annexed to every copy of the memorandum issued after the confirmation of the resolution.

(3) If a company makes default in complying with the requirements of this section, it shall be liable to a fine not exceeding one pound for each copy in respect of which default is made; and every director or manager of the company who knowingly and wilfully authorises or permits the default shall be liable to the like penalty.

Part III.

Management and Administration.

Office and Name.

Registered office of company.

62.—(1) Every company shall have a registered office to which all communications and notices may be addressed.

(2) Notice of the situation of the registered office, and of any change therein, shall be given to the registrar of companies, who shall record the same.

(3) If a company carries on business without complying with the requirements of this section it shall be liable to a fine not exceeding five pounds for every day during which it so carries on business.

Publication of name by a limited company.

63.—(1) Every limited company—

(*a*) shall paint or affix, and keep painted or affixed, its name on the outside of every office or place in which its business is carried on, in a conspicuous position, in letters easily legible:

(*b*) shall have its name engraven in legible characters on its seal:

(*c*) shall have its name mentioned in legible characters in all notices, advertisements, and other official publications of the company, and in all bills of exchange, promissory notes, endorsements, cheques, and orders for money or goods purporting to be signed by or on behalf of the company, and in all bills of parcels, invoices, receipts, and letters of credit of the company.

(2) If a limited company does not paint or affix, and keep painted or affixed, its name in manner directed by this Act, it shall be liable to a fine not exceeding five pounds for not so

painting or affixing its name, and for every day during which its name is not so kept painted or affixed, and every director and manager of the company who knowingly and wilfully authorises or permits the default shall be liable to the like penalty.

(3) If any director, manager, or officer of a limited company, or any person on its behalf, uses or authorises the use of any seal purporting to be a seal of the company whereon its name is not so engraven as aforesaid, or issues or authorises the issue of any notice, advertisement, or other official publication of the company, or signs or authorises to be signed on behalf of the company any bill of exchange, promissory note, endorsement, cheque, order for money or goods, or issues or authorises to be issued any bill of parcels, invoice, receipt, or letter of credit of the company, wherein its name is not mentioned in manner aforesaid, he shall be liable to a fine not exceeding fifty pounds, and shall further be personally liable to the holder of any such bill of exchange, promissory note, cheque, or order for money or goods, for the amount thereof, unless the same is duly paid by the company.

Meetings and Proceedings.

Annual general meeting.

64.—(1) A general meeting of every company shall be held once at the least in every calendar year, and not more than fifteen months after the holding of the last preceding general meeting, and, if not so held, the company and every director, manager, secretary, and other officer of the company, who is knowingly a party to the default, shall be liable to a fine not exceeding fifty pounds.

(2) When default has been made in holding a meeting of the company in accordance with the provisions of this section, the court may, on the application of any member of the company, call or direct the calling of a general meeting of the company.

First statutory meeting of company.

65.—(1) Every company limited by shares and registered on or after the first day of January nineteen hundred and one shall, within a period of not less than one month nor more than three months from the date at which the company is entitled to commence business, hold a general meeting of the members of the company which shall be called the statutory meeting.

(2) The directors shall, at least seven days before the day on which the meeting is held, forward a report (in this Act called "the statutory report") to every member of the company and to every other person entitled under this Act to receive it.

(3) The statutory report shall be certified by not less than two directors of the company, or, where there are less than two directors, by the sole director and manager, and shall state—

(*a*) the total number of shares allotted, distinguishing shares allotted as fully or partly paid up otherwise than in cash, and stating in the case of shares partly paid up the extent to which they are so paid up, and in

either case the consideration for which they have been allotted ;

(*b*) the total amount of cash received by the company in respect of all the shares allotted, distinguished as aforesaid ;

(*c*) an abstract of the receipts of the company on account of its capital, whether from shares or debentures, and of the payments made thereout, up to a date within seven days of the date of the report, exhibiting under distinctive headings the receipts of the company from shares and debentures and other sources, the payments made thereout, and particulars concerning the balance remaining in hand, and an account or estimate of the preliminary expenses of the company ;

(*d*) the names, addresses, and descriptions of the directors, auditors (if any), managers (if any), and secretary of the company ; and

(*e*) the particulars of any contract, the modification of which is to be submitted to the meeting for its approval together with the particulars of the modification or proposed modification.

(4) The statutory report shall, so far as it relates to the shares allotted by the company, and to the cash received in respect of such shares, and to the receipts and payments of the company on capital account, be certified as correct by the auditors, if any, of the company.

(5) The directors shall cause a copy of the statutory report, certified as by this section required, to be filed with the registrar of companies forthwith after the sending thereof to the members of the company.

(6) The directors shall cause a list showing the names, descriptions, and addresses of the members of the company, and the number of shares held by them respectively, to be produced at the commencement of the meeting, and to remain open and accessible to any member of the company during the continuance of the meeting.

(7) The members of the company present at the meeting shall be at liberty to discuss any matter relating to the formation of the company, or arising out of the statutory report, whether previous notice has been given or not, but no resolution of which notice has not been given in accordance with the articles may be passed.

(8) The meeting may adjourn from time to time, and at any adjourned meeting any resolution of which notice has been given in accordance with the articles, either before or subsequently to the former meeting, may be passed, and the adjourned meeting shall have the same powers as an original meeting.

(9) If a petition is presented to the court in manner provided by Part IV. of this Act for winding up the company on the ground of default in filing the statutory report or in holding the statutory meeting, the court may, instead of directing

that the company be wound up, give directions for the statutory report to be filed or a meeting to be held, or make such other order as may be just.

(10) The provisions of this section as to the forwarding and filing of the statutory report shall not apply in the case of a private company.

Convening of extraordinary general meeting on requisition.

66.—(1) Notwithstanding anything in the articles of a company, the directors of a company shall, on the requisition of the holders of not less than one-tenth of the issued share capital of the company upon which all calls or other sums then due have been paid, forthwith proceed to convene an extraordinary general meeting of the company.

(2) The requisition must state the objects of the meeting, and must be signed by the requisitionists and deposited at the registered office of the company, and may consist of several documents in like form, each signed by one or more requisitionists.

(3) If the directors do not proceed to cause a meeting to be held within twenty-one days from the date of the requisition being so deposited, the requisitionists, or a majority of them in value, may themselves convene the meeting, but any meeting so convened shall not be held after three months from the date of the deposit.

(4) If at any such meeting a resolution requiring confirmation at another meeting is passed, the directors shall forthwith convene a further extraordinary general meeting for the purpose of considering the resolution and, if thought fit, of confirming it as a special resolution; and, if the directors do not convene the meeting within seven days from the date of the passing of the first resolution, the requisitionists, or a majority of them in value, may themselves convene the meeting.

(5) Any meeting convened under this section by the requisitionists shall be convened in the same manner, as nearly as possible, as that in which meetings are to be convened by directors.

Provisions as to meetings and votes.

67. In default of, and subject to, any regulations in the articles—

(i) A meeting of a company may be called by seven days' notice in writing, served on every member in manner in which notices are required to be served by Table A. in the First Schedule to this Act:

(ii) Five members may call a meeting:

(iii) Any person elected by the members present at a meeting may be chairman thereof:

(iv) Every member shall have one vote.

Representation of companies at meetings of other companies of which they are members.

68. A company which is a member of another company may by resolution of the directors, authorise any of its officials or any other person to act as its representative at any meeting of that other company, and the person so authorised shall be entitled to exercise the same powers on behalf of the company which he

represents as if he were an individual shareholder of that other company.

Definitions of extraordinary and special resolution.

69.—(1) A resolution shall be an extraordinary resolution when it has been passed by a majority of not less than three fourths of such members entitled to vote as are present in person or by proxy (where proxies are allowed) at a general meeting of which notice specifying the intention to propose the resolution as an extraordinary resolution has been duly given.

(2) A resolution shall be a special resolution when it has been—

(*a*) passed in manner required for the passing of an extraordinary resolution ; and

(*b*) confirmed by a majority of such members entitled to vote as are present in person or by proxy (where proxies are allowed) at a subsequent general meeting, of which notice has been duly given, and held after an interval of not less than fourteen days, nor more than one month, from the date of the first meeting.

(3) At any meeting at which an extraordinary resolution is submitted to be passed or a special resolution is submitted to be passed or confirmed, a declaration of the chairman that the resolution is carried shall, unless a poll is demanded, be conclusive evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against the resolution.

(4) At any meeting at which an extraordinary resolution is submitted to be passed or a special resolution is submitted to be passed or confirmed a poll may be demanded, if demanded by three persons for the time being entitled according to the articles to vote, unless the articles of the company require a demand by such number of such persons, not in any case exceeding five, as may be specified in the articles.

(5) When a poll is demanded in accordance with this section, in computing the majority on the poll reference shall be had to the number of votes to which each member is entitled by the articles of the company.

(6) For the purposes of this section notice of a meeting shall be deemed to be duly given and the meeting to be duly held when the notice is given and the meeting held in manner provided by the articles.

Registration and copies of special resolutions.

70.—(1) A copy of every special and extraordinary resolution shall within fifteen days from the confirmation of the special resolution, or from the passing of the extraordinary resolution, as the case may be, be printed and forwarded to the registrar of companies, who shall record the same.

(2) Where articles have been registered, a copy of every special resolution for the time being in force shall be embodied in or annexed to every copy of the articles issued after the confirmation of the resolution.

(3) Where articles have not been registered, a copy of every special resolution shall be forwarded in print to any member at his request, on payment of one shilling or such less sum as the company may direct.

(4) If a company makes default in printing or forwarding a copy of a special or extraordinary resolution to the registrar it shall be liable to a fine not exceeding two pounds for every day during which the default continues.

(5) If a company makes default in embodying in or annexing to a copy of its articles or in forwarding in print to a member when required by this section a copy of a special resolution, it shall be liable to a fine not exceeding one pound for each copy in respect of which default is made.

(6) Every director and manager of a company who knowingly and wilfully authorises or permits any default by the company in complying with the requirements of this section shall be liable to the like penalty as is imposed by this section on the company for that default.

Minutes of proceedings of meetings and directors.

71.—(1) Every company shall cause minutes of all proceedings of general meetings and (where there are directors or managers) of its directors or managers to be entered in books kept for that purpose.

(2) Any such minute if purporting to be signed by the chairman of the meeting at which the proceedings were had, or by the chairman of the next succeeding meeting, shall be evidence of the proceedings.

(3) Until the contrary is proved, every general meeting of the company or meeting of directors or managers in respect of the proceedings whereof minutes have been so made shall be deemed to have been duly held and convened, and all proceedings had thereat to have been duly had, and all appointments of directors, managers, or liquidators, shall be deemed to be valid.

Appointment, Qualification, &c. of Directors.

Restrictions on appointment or advertisement of director.

72.—(1) A person shall not be capable of being appointed director of a company by the articles, and shall not be named as a director or proposed director of a company in any prospectus issued by or on behalf of the company, or in any statement in lieu of prospectus filed by or on behalf of a company, unless, before the registration of the articles or the publication of the prospectus, or the filing of the statement in lieu of prospectus, as the case may be, he has by himself or by his agent authorised in writing—

(i) Signed and filed with the registrar of companies a consent in writing to act as such director; and

(ii) Either signed the memorandum for a number of shares not less than his qualification (if any), or signed and filed with the registrar a contract in writing to take from the company and pay for his qualification shares (if any).

(2) On the application for registration of the memorandum and articles of a company the applicant shall deliver to the registrar a list of the persons who have consented to be directors of the company, and, if this list contains the name of any person who has not so consented, the applicant shall be liable to a fine not exceeding fifty pounds.

(3) This section shall not apply to a private company nor to a prospectus issued by or on behalf of a company after the expiration of one year from the date at which the company is entitled to commence business.

Qualification of director.

73.—(1) Without prejudice to the restrictions imposed by the last foregoing section, it shall be the duty of every director who is by the regulations of the company required to hold a specified share qualification, and who is not already qualified, to obtain his qualification within two months after his appointment, or such shorter time as may be fixed by the regulations of the company.

(2) The office of director of a company shall be vacated, if the director does not within two months from the date of his appointment, or within such shorter time as may be fixed by the regulations of the company, obtain his qualification, or if after the expiration of such period or shorter time he ceases at any time to hold his qualification; and a person vacating office under this section shall be incapable of being re-appointed director of the company until he has obtained his qualification.

(3) If after the expiration of the said period or shorter time any unqualified person acts as a director of the company, he shall be liable to a fine not exceeding five pounds for every day between the expiration of the said period or shorter time and the last day on which it is proved that he acted as a director.

Validity of acts of directors.

74. The acts of a director or manager shall be valid notwithstanding any defect that may afterwards be discovered in his appointment or qualification.

List of directors to be sent to registrar.

75.—(1) Every company shall keep at its registered office a register containing the names and addresses and the occupations of its directors or managers, and send to the registrar of companies a copy thereof, and from time to time notify to the registrar any change among its directors or managers.

(2) If default is made in compliance with this section, the company shall be liable to a fine not exceeding five pounds for every day during which the default continues; and every director and manager of the company who knowingly and wilfully authorises or permits the default shall be liable to the like penalty.

Contracts, &c.

Form of contracts.

76.—(1) Contracts on behalf of a company may be made as follows (that is to say):—

(i) Any contract which if made between private persons would be by law required to be in writing, and if

made according to English law to be under seal, may be made on behalf of the company in writing under the common seal of the company, and may in the same manner be varied or discharged:

(ii) Any contract which if made between private persons would be by law required to be in writing, signed by the parties to be charged therewith, may be made on behalf of the company in writing signed by any person acting under its authority, express or implied, and may in the same manner be varied or discharged:

(iii) Any contract which if made between private persons would by law be valid although made by parol only, and not reduced into writing, may be made by parol on behalf of the company by any person acting under its authority, express or implied, and may in the same manner be varied or discharged.

(2) All contracts made according to this section shall be effectual in law, and shall bind the company and its successors and all other parties thereto, their heirs, executors, or administrators as the case may be.

(3) Any deed to which a company is a party shall be held to be validly executed in Scotland on behalf of the company if it is executed in terms of the provisions of this Act or is sealed with the common seal of the company and subscribed on behalf of the company by two of the directors and the secretary of the company, and such subscription on behalf of the company shall be equally binding whether attested by witnesses or not.

Bills of exchange and promissory notes.

77. A bill of exchange or promissory note shall be deemed to have been made, accepted, or endorsed on behalf of a company if made, accepted, or endorsed in the name of, or by or on behalf or on account of, the company by any person acting under its authority.

Execution of deeds abroad.

78. A company may, by writing under its common seal, empower any person, either generally or in respect of any specified matters, as its attorney, to execute deeds on its behalf in any place not situate in the United Kingdom; and every deed signed by such attorney, on behalf of the company, and under his seal, shall bind the company, and have the same effect as if it were under its common seal.

Power for company to have official seal for use abroad.

79.—(1) A company whose objects require or comprise the transaction of business in foreign countries may, if authorised by its articles, have for use in any territory, district, or place not situate in the United Kingdom, an official seal, which shall be a facsimile of the common seal of the company, with the addition on its face of the name of every territory, district, or place where it is to be used.

(2) A company having such an official seal may, by writing under its common seal, authorise any person appointed for the purpose in any territory, district, or place not situate in the

United Kingdom, to affix the same to any deed or other document to which the company is party in that territory, district, or place.

(3) The authority of any such agent shall, as between the company and any person dealing with the agent, continue during the period, if any, mentioned in the instrument conferring the authority, or if no period is there mentioned, then until notice of the revocation or determination of the agent's authority has been given to the person dealing with him.

(4) The person affixing any such official seal shall, by writing under his hand, on the deed or other document to which the seal is affixed, certify the date and place of affixing the same.

(5) A deed or other document to which an official seal is duly affixed shall bind the company as if it had been sealed with the common seal of the company.

Prospectus.

Filing of prospectus.

80.—(1) Every prospectus issued by or on behalf of a company or in relation to any intended company shall be dated, and that date shall, unless the contrary be proved, be taken as the date of publication of the prospectus.

(2) A copy of every such prospectus, signed by every person who is named therein as a director or proposed director of the company, or by his agent authorised in writing, shall be filed for registration with the registrar of companies on or before the date of its publication, and no such prospectus shall be issued until a copy thereof has been so filed for registration.

(3) The registrar shall not register any prospectus unless it is dated, and the copy thereof signed, in manner required by this section.

(4) Every prospectus shall state on the face of it that a copy has been filed for registration as required by this section.

(5) If a prospectus is issued without a copy thereof being so filed, the company, and every person who is knowingly a party to the issue of the prospectus, shall be liable to a fine not exceeding five pounds for every day from the date of the issue of the prospectus until a copy thereof is so filed.

Specific requirements as to particulars of prospectus.

81.—(1) Every prospectus issued by or on behalf of a company, or by or on behalf of any person who is or has been engaged or interested in the formation of the company, must state—

(*a*) the contents of the memorandum, with the names, descriptions, and addresses of the signatories, and the number of shares subscribed for by them respectively; and the number of founders or management or deferred shares, if any, and the nature and extent of the interest of the holders in the property and profits of the company; and

(*b*) the number of shares, if any, fixed by the articles as the qualification of a director, and any provision in the articles as to the remuneration of the directors; and

(*c*) the names, descriptions, and addresses of the directors or proposed directors; and

(*d*) the minimum subscription on which the directors may proceed to allotment, and the amount payable on application and allotment on each share; and in the case of a second or subsequent offer of shares, the amount offered for subscription on each previous allotment made within the two preceding years, and the amount actually allotted, and the amount, if any, paid on the shares so allotted; and

(*e*) the number and amount of shares and debentures which within the two preceding years have been issued, or agreed to be issued, as fully or partly paid up otherwise than in cash, and in the latter case the extent to which they are so paid up, and in either case the consideration for which those shares or debentures have been issued or are proposed or intended to be issued; and

(*f*) the names and addresses of the vendors of any property purchased or acquired by the company, or proposed so to be purchased or acquired, which is to be paid for wholly or partly out of the proceeds of the issue offered for subscription by the prospectus, or the purchase or acquisition of which has not been completed at the date of issue of the prospectus, and the amount payable in cash, shares, or debentures, to the vendor, and where there is more than one separate vendor, or the company is a sub-purchaser, the amount so payable to each vendor: Provided that where the vendors or any of them are a firm the members of the firm shall not be treated as separate vendors; and

(*g*) the amount (if any) paid or payable as purchase money in cash, shares, or debentures, for any such property as aforesaid, specifying the amount (if any) payable for goodwill; and

(*h*) the amount (if any) paid within the two preceding years, or payable, as commission for subscribing or agreeing to subscribe, or procuring or agreeing to procure subscriptions, for any shares in, or debentures of, the company, or the rate of any such commission: Provided that it shall not be necessary to state the commission payable to sub-underwriters; and

(*i*) the amount or estimated amount of preliminary expenses; and

(*j*) the amount paid within the two preceding years or intended to be paid to any promoter, and the consideration for any such payment; and

(*k*) the dates of and parties to every material contract, and a reasonable time and place at which any material contract or a copy thereof may be inspected: Provided that this requirement shall not apply to a contract entered into in the ordinary course of the business carried on or intended to be carried on by the company, or to any contract entered into more than two years before the date of issue of the prospectus; and

(*l*) the names and addresses of the auditors (if any) of the company; and

(*m*) full particulars of the nature and extent of the interest (if any) of every director in the promotion of, or in the property proposed to be acquired by, the company, or, where the interest of such a director consists in being a partner in a firm, the nature and extent of the interest of the firm, with a statement of all sums paid or agreed to be paid to him or to the firm in cash or shares or otherwise by any person either to induce him to become, or to qualify him as, a director, or, otherwise for services rendered by him or by the firm in connexion with the promotion or formation of the company; and

(*n*) where the company is a company having shares of more than one class, the right of voting at meetings of the company conferred by the several classes of shares respectively.

(2) For the purposes of this section every person shall be deemed to be a vendor who has entered into any contract, absolute or conditional, for the sale or purchase, or for any option of purchase, of any property to be acquired by the company, in any case where—

(*a*) the purchase money is not fully paid at the date of issue of the prospectus; or

(*b*) the purchase money is to be paid or satisfied wholly or in part out of the proceeds of the issue offered for subscription by the prospectus; or

(*c*) the contract depends for its validity or fulfilment on the result of that issue.

(3) Where any of the property to be acquired by the company is to be taken on lease, this section shall apply as if the expression "vendor" included the lessor, and the expression "purchase money" included the consideration for the lease, and the expression "sub-purchaser" included a sub-lessee.

(4) Any condition requiring or binding any applicant for shares or debentures to waive compliance with any requirement of this section, or purporting to affect him with notice of any contract, document, or matter not specifically referred to in the prospectus, shall be void.

(5) Where any such prospectus as is mentioned in this section is published as a newspaper advertisement, it shall not be necessary in the advertisement to specify the contents of

the memorandum or the signatories thereto, and the number of shares subscribed for by them.

(6) In the event of non-compliance with any of the requirements of this section, a director or other person responsible for the prospectus shall not incur any liability by reason of the non-compliance, if he proves that—

(*a*) as regards any matter not disclosed, he was not cognisant thereof; or

(*b*) the non-compliance arose from an honest mistake of fact on his part:

Provided that in the event of non-compliance with the requirements contained in paragraph (*m*) of subsection (1) of this section no director or other person shall incur any liability in respect of the non-compliance unless it be proved that he had knowledge of the matters not disclosed.

(7) This section shall not apply to a circular or notice inviting existing members or debenture holders of a company to subscribe either for shares or for debentures of the company, whether with or without the right to renounce in favour of other persons, but subject as aforesaid, this section shall apply to any prospectus whether issued on or with reference to the formation of a company or subsequently.

(8) The requirements of this section as to the memorandum and the qualification, remuneration, and interest of directors, the names, descriptions, and addresses of directors or proposed directors, and the amount or estimated amount of preliminary expenses, shall not apply in the case of a prospectus issued more than one year after the date at which the company is entitled to commence business.

(9) Nothing in this section shall limit or diminish any liability which any person may incur under the general law or this Act apart from this section.

Obligations of companies where no prospectus is issued.

82.—(1) A company which does not issue a prospectus on or with reference to its formation, shall not allot any of its shares or debentures unless before the first allotment of either shares or debentures there has been filed with the registrar of companies a statement in lieu of prospectus signed by every person who is named therein as a director or a proposed director of the company or by his agent authorised in writing, in the form and containing the particulars set out in the Second Schedule to this Act.

(2) This section shall not apply to a private company or to a company which has allotted any shares or debentures before the first day of July nineteen hundred and eight.

Restriction on alteration of terms mentioned in prospectus or statement in lieu of prospectus.

83. A company shall not previously to the statutory meeting vary the terms of a contract referred to in the prospectus or statement in lieu of prospectus, except subject to the approval of the statutory meeting.

Liability for statements in prospectus.

84.—(1) Where a prospectus invites persons to subscribe for shares in or debentures of a company, every person who is a director of the company at the time of the issue of the prospectus, and every person who has authorised the naming of him and is named in the prospectus as a director or as having agreed to become a director either immediately or after an interval of time, and every promoter of the company, and every person who has authorised the issue of the prospectus, shall be liable to pay compensation to all persons who subscribe for any shares or debentures on the faith of the prospectus for the loss or damage they may have sustained by reason of any untrue statement therein, or in any report or memorandum appearing on the face thereof, or by reference incorporated therein or issued therewith, unless it is proved—

(*a*) With respect to every untrue statement not purporting to be made on the authority of an expert, or of a public official document or statement, that he had reasonable ground to believe, and did up to the time of the allotment of the shares or debentures, as the case may be, believe, that the statement was true; and

(*b*) With respect to every untrue statement purporting to be a statement by or contained in what purports to be a copy of or extract from a report or valuation of an expert, that it fairly represented the statement, or was a correct and fair copy of or extract from the report or valuation. Provided that the director, person named as director, promoter, or person who authorised the issue of the prospectus, shall be liable to pay compensation as aforesaid if it is proved that he had no reasonable ground to believe that the person making the statement, report, or valuation was competent to make it; and

(*c*) With respect to every untrue statement purporting to be a statement made by an official person or contained in what purports to be a copy of or extract from a public official document, that it was a correct and fair representation of the statement or copy of or extract from the document:

or unless it is proved—

(i) that having consented to become a director of the company he withdrew his consent before the issue of the prospectus, and that it was issued without his authority or consent; or

(ii) that the prospectus was issued without his knowledge or consent, and that on becoming aware of its issue he forthwith gave reasonable public notice that it was issued without his knowledge or consent; or

(iii) that after the issue of the prospectus and before allotment thereunder, he, on becoming aware of any untrue

statement therein, withdrew his consent thereto, and gave reasonable public notice of the withdrawal, and of the reason therefor.

(2) Where a company existing on the eighteenth day of August one thousand eight hundred and ninety, has issued shares or debentures, and for the purpose of obtaining further capital by subscriptions for shares or debentures issues a prospectus, a director shall not be liable in respect of any statement therein, unless he has authorised the issue of the prospectus, or has adopted or ratified it.

(3) Where the prospectus contains the name of a person as a director of the company, or as having agreed to become a director thereof, and he has not consented to become a director, or has withdrawn his consent before the issue of the prospectus, and has not authorised or consented to the issue thereof, the directors of the company, except any without whose knowledge or consent the prospectus was issued, and any other person who authorised the issue thereof, shall be liable to indemnify the person named as aforesaid against all damages, costs, and expenses to which he may be made liable by reason of his name having been inserted in the prospectus, or in defending himself against any action or legal proceedings brought against him in respect thereof.

(4) Every person who by reason of his being a director, or named as a director or as having agreed to become a director, or of his having authorised the issue of the prospectus, becomes liable to make any payment under this section may recover contribution, as in cases of contract, from any other person who, if sued separately, would have been liable to make the same payment, unless the person who has become so liable was, and that other person was not, guilty of fraudulent misrepresentation.

(5) For the purposes of this section—

The expression "promoter" means a promoter who was a party to the preparation of the prospectus, or of the portion thereof containing the untrue statement, but does not include any person by reason of his acting in a professional capacity for persons engaged in procuring the formation of the company:

The expression "expert" includes engineer, valuer, accountant, and any other person whose profession gives authority to a statement made by him.

Allotment.

Restriction as to allotment.

85.—(1) No allotment shall be made of any share capital of a company offered to the public for subscription, unless the following conditions have been complied with, namely:—

(*a*) the amount (if any) fixed by the memorandum or articles and named in the prospectus as the minimum subscription upon which the directors may proceed to allotment; or

(*b*) if no amount is so fixed and named, then the whole amount of the share capital so offered for subscription,

has been subscribed, and the sum payable on application for the amount so fixed and named, or for the whole amount offered for subscription, has been paid to and received by the company.

(2) The amount so fixed and named and the whole amount aforesaid shall be reckoned exclusively of any amount payable otherwise than in cash, and is in this Act referred to as the minimum subscription.

(3) The amount payable on application on each share shall not be less than five per cent. of the nominal amount of the share.

(4) If the conditions aforesaid have not been complied with on the expiration of forty days after the first issue of the prospectus, all money received from applicants for shares shall be forthwith repaid to them without interest, and, if any such money is not so repaid within forty-eight days after the issue of the prospectus, the directors of the company shall be jointly and severally liable to repay that money with interest at the rate of five per centum per annum from the expiration of the forty-eighth day:

Provided that a director shall not be liable if he proves that the loss of the money was not due to any misconduct or negligence on his part.

(5) Any condition requiring or binding any applicant for shares to waive compliance with any requirement of this section shall be void.

(6) This section, except subsection (3) thereof, shall not apply to any allotment of shares subsequent to the first allotment of shares offered to the public for subscription.

(7) In the case of the first allotment of share capital payable in cash of a company which does not issue any invitation to the public to subscribe for its shares, no allotment shall be made unless the minimum subscription (that is to say):—

(*a*) the amount (if any) fixed by the memorandum or articles and named in the statement in lieu of prospectus as the minimum subscription upon which the directors may proceed to allotment; or

(*b*) if no amount is so fixed and named, then the whole amount of the share capital other than that issued or agreed to be issued as fully or partly paid up otherwise than in cash,

has been subscribed and an amount not less than five per cent. of the nominal amount of each share payable in cash has been paid to and received by the company.

This subsection shall not apply to a private company or to a company which has allotted any shares or debentures before the first day of July nineteen hundred and eight.

Effect of irregular allotment

86.—(1) An allotment made by a company to an applicant in contravention of the provisions of the last foregoing section

shall be voidable at the instance of the applicant within one month after the holding of the statutory meeting of the company and not later, and shall be so voidable notwithstanding that the company is in course of being wound up.

(2) If any director of a company knowingly contravenes or permits or authorises the contravention of any of the provisions of the last foregoing section with respect to allotment he shall be liable to compensate the company and the allottee respectively for any loss, damages, or costs which the company or the allottee may have sustained or incurred thereby: Provided that proceedings to recover any such loss, damages, or costs shall not be commenced after the expiration of two years from the date of the allotment.

Restrictions on commencement of business.

87.—(1) A company shall not commence any business or exercise any borrowing powers unless—

(*a*) shares held subject to the payment of the whole amount thereof in cash have been allotted to an amount not less in the whole than the minimum subscription; and

(*b*) every director of the company has paid to the company on each of the shares taken or contracted to be taken by him, and for which he is liable to pay in cash, a proportion equal to the proportion payable on application and allotment on the shares offered for public subscription, or in the case of a company which does not issue a prospectus inviting the public to subscribe for its shares, on the shares payable in cash; and

(*c*) there has been filed with the registrar of companies a statutory declaration by the secretary or one of the directors, in the prescribed form, that the aforesaid conditions have been complied with; and

(*d*) in the case of a company which does not issue a prospectus inviting the public to subscribe for its shares, there has been filed with the registrar of companies a statement in lieu of prospectus.

(2) The registrar of companies shall, on the filing of this statutory declaration, certify that the company is entitled to commence business, and that certificate shall be conclusive evidence that the company is so entitled:

Provided that in the case of a company which does not issue a prospectus inviting the public to subscribe for its shares the registrar shall not give such a certificate unless a statement in lieu of prospectus has been filed with him.

(3) Any contract made by a company before the date at which it is entitled to commence business shall be provisional only, and shall not be binding on the company until that date, and on that date it shall become binding.

(4) Nothing in this section shall prevent the simultaneous offer for subscription or allotment of any shares and debentures or the receipt of any money payable on application for debentures.

(5) If any company commences business or exercises borrowing powers in contravention of this section, every person who is responsible for the contravention shall, without prejudice to any other liability, be liable to a fine not exceeding fifty pounds for every day during which the contravention continues.

(6) Nothing in this section shall apply to a private company, or to a company registered before the first day of January nineteen hundred and one, or to a company registered before the first day of July nineteen hundred and eight which does not issue a prospectus inviting the public to subscribe for its shares.

Return as to allotments.

88.—(1) Whenever a company limited by shares makes any allotment of its shares, the company shall within one month thereafter file with the registrar of companies—

(*a*) a return of the allotments, stating the number and nominal amount of the shares comprised in the allotment, the names, addresses, and descriptions of the allottees, and the amount (if any) paid or due and payable on each share; and

(*b*) in the case of shares allotted as fully or partly paid up otherwise than in cash, a contract in writing constituting the title of the allottee to the allotment together with any contract of sale, or for services or other consideration in respect of which that allotment was made, such contracts being duly stamped, and a return stating the number and nominal amount of shares so allotted, the extent to which they are to be treated as paid up, and the consideration for which they have been allotted.

(2) Where such a contract as above mentioned is not reduced to writing, the company shall within one month after the allotment file with the registrar of companies the prescribed particulars of the contract stamped with the same stamp duty as would have been payable if the contract had been reduced to writing, and those particulars shall be deemed to be an instrument within the meaning of the Stamp Act, 1891, and the registrar may, as a condition of filing the particulars, require that the duty payable thereon be adjudicated under section twelve of that Act. 54 & 55 Vict. c. 39.

(3) If default is made in complying with the requirements of this section, every director, manager, secretary, or other officer of the company, who is knowingly a party to the default, shall be liable to a fine not exceeding fifty pounds for every day during which the default continues:

Provided that, in case of default in filing with the registrar of companies within one month after the allotment any document required to be filed by this section, the company, or any person liable for the default, may apply to the court for relief, and the court, if satisfied that the omission to file the document was accidental or due to inadvertence or that it is just and equitable to grant relief, may make an order extending the time for the

filing of the document for such period as the court may think proper.

Commissions and Discounts.

Power to pay certain commissions, and prohibition of payment of all other commissions, discounts, &c.

89.—(1) It shall be lawful for a company to pay a commission to any person in consideration of his subscribing or agreeing to subscribe, whether absolutely or conditionally, for any shares in the company, or procuring or agreeing to procure subscriptions, whether absolute or conditional, for any shares in the company, if the payment of the commission is authorised by the articles, and the commission paid or agreed to be paid does not exceed the amount or rate so authorised, and if the amount or rate per cent. of the commission paid or agreed to be paid is—

(*a*) In the case of shares offered to the public for subscription, disclosed in the prospectus; or

(*b*) In the case of shares not offered to the public for subscription, disclosed in the statement in lieu of prospectus, or in a statement in the prescribed form signed in like manner as a statement in lieu of prospectus and filed with the registrar of companies, and, where a circular or notice, not being a prospectus, inviting subscription for the shares is issued, also disclosed in that circular or notice.

(2) Save as aforesaid, no company shall apply any of its shares or capital money either directly or indirectly in payment of any commission, discount, or allowance, to any person in consideration of his subscribing or agreeing to subscribe, whether absolutely or conditionally, for any shares of the company, or procuring or agreeing to procure subscriptions, whether absolute or conditional, for any shares in the company, whether the shares or money be so applied by being added to the purchase money of any property acquired by the company or to the contract price of any work to be executed for the company, or the money be paid out of the nominal purchase money or contract price, or otherwise.

(3) Nothing in this section shall affect the power of any company to pay such brokerage as it has heretofore been lawful for a company to pay, and a vendor to, promoter of, or other person who receives payment in money or shares from, a company shall have and shall be deemed always to have had power to apply any part of the money or shares so received in payment of any commission, the payment of which, if made directly by the company, would have been legal under this section.

Statement in balance sheet as to commissions and discounts.

90. Where a company has paid any sums by way of commission in respect of any shares or debentures, or allowed any sums by way of discount in respect of any debentures, the total amount so paid or allowed, or so much thereof as has not been written off, shall be stated in every balance sheet of the company until the whole amount thereof has been written off.

Payment of Interest out of Capital.

Power of company to pay interest out of capital in certain cases.

91. Where any shares of a company are issued for the purpose of raising money to defray the expenses of the construction of any works or buildings or the provision of any plant which cannot be made profitable for a lengthened period, the company may pay interest on so much of that share capital as is for the time being paid up for the period and subject to the conditions and restrictions in this section mentioned, and may charge the same to capital as part of the cost of construction of the work or building, or the provision of plant:

Provided that—

(1) No such payment shall be made unless the same is authorised by the articles or by special resolution:

(2) No such payment, whether authorised by the articles or by special resolution, shall be made without the previous sanction of the Board of Trade:

(3) Before sanctioning any such payment the Board of Trade may, at the expense of the company, appoint a person to inquire and report to them as to the circumstances of the case, and may, before making the appointment, require the company to give security for the payment of the costs of the inquiry:

(4) The payment shall be made only for such period as may be determined by the Board of Trade; and such period shall in no case extend beyond the close of the half year next after the half year during which the works or buildings have been actually completed or the plant provided:

(5) The rate of interest shall in no case exceed four per cent. per annum or such lower rate as may for the time being be prescribed by Order in Council:

(6) The payment of the interest shall not operate as a reduction of the amount paid up on the shares in respect of which it is paid:

(7) The accounts of the company shall show the share capital on which, and the rate at which, interest has been paid out of capital during the period to which the accounts relate:

(8) Nothing in this section shall affect any company to which the Indian Railways Act, 1894, as amended by any subsequent enactment, applies. 57 & 58 Vict. c. 12.

Certificates of Shares, &c.

Limitation of time for issue of certificates.

92.—(1) Every company shall, within two months after the allotment of any of its shares, debentures, or debenture stock, and within two months after the registration of the transfer of any such shares, debentures, or debenture stock, complete and have ready for delivery the certificates of all shares, the debentures, and the certificates of all debenture stock allotted or

transferred, unless the conditions of issue of the shares, debentures, or debenture stock otherwise provide.

(2) If default is made in complying with the requirements of this section, the company, and every director, manager, secretary, and other officer of the company who is knowingly a party to the default, shall be liable to a fine not exceeding five pounds for every day during which the default continues.

Information as to Mortgages, Charges, &c.

Registration of mortgages and charges in England and Ireland.

93.—(1) Every mortgage or charge created after the first day of July nineteen hundred and eight by a company registered in England or Ireland and being either—

(*a*) a mortgage or charge for the purpose of securing any issue of debentures; or

(*b*) a mortgage or charge on uncalled share capital of the company; or

(*c*) a mortgage or charge created or evidenced by an instrument which, if executed by an individual, would require registration as a bill of sale; or

(*d*) a mortgage or charge on any land, wherever situate, or any interest therein; or

(*e*) a mortgage or charge on any book debts of the company; or

(*f*) a floating charge on the undertaking or property of the company,

shall, so far as any security on the company's property or undertaking is thereby conferred, be void against the liquidator and any creditor of the company, unless the prescribed particulars of the mortgage or charge, together with the instrument (if any) by which the mortgage or charge is created or evidenced, are delivered to or received by the registrar of companies for registration in manner required by this Act within twenty-one days after the date of its creation, but without prejudice to any contract or obligation for repayment of the money thereby secured, and when a mortgage or charge becomes void under this section the money secured thereby shall immediately become payable:

Provided that—

(i) in the case of a mortgage or charge created out of the United Kingdom comprising solely property situate outside the United Kingdom, the delivery to and the receipt by the registrar of a copy of the instrument by which the mortgage or charge is created or evidenced, verified in the prescribed manner, shall have the same effect for the purposes of this section as the delivery and receipt of the instrument itself, and twenty-one days after the date on which the instrument or copy could, in due course of post, and if despatched with due diligence, have been received

in the United Kingdom, shall be substituted for twenty-one days after the date of the creation of the mortgage or charge, as the time within which the particulars and instrument or copy are to be delivered to the registrar; and

(ii) where the mortgage or charge is created in the United Kingdom but comprises property outside the United Kingdom, the instrument creating or purporting to create the mortgage or charge may be sent for registration notwithstanding that further proceedings may be necessary to make the mortgage or charge valid or effectual according to the law of the country in which the property is situate; and

(iii) where a negotiable instrument has been given to secure the payment of any book debts of a company, the deposit of the instrument for the purpose of securing an advance to the company shall not for the purposes of this section be treated as a mortgage or charge on those book debts; and

(iv) the holding of debentures entitling the holder to a charge on land shall not be deemed to be an interest in land.

(2) The registrar shall keep, with respect to each company, a register in the prescribed form of all the mortgages and charges created by the company after the first day of July nineteen hundred and eight and requiring registration under this section, and shall, on payment of the prescribed fee, enter in the register, with respect to every such mortgage or charge, the date of creation, the amount secured by it, short particulars of the property mortgaged or charged, and the names of the mortgagees or persons entitled to the charge.

(3) Where a series of debentures containing, or giving by reference to any other instrument, any charge to the benefit of which the debenture holders of that series are entitled pari passu is created by a company, it shall be sufficient if there are delivered to or received by the registrar within twenty-one days after the execution of the deed containing the charge or, if there is no such deed, after the execution of any debentures of the series, the following particulars:—

(*a*) the total amount secured by the whole series; and

(*b*) the dates of the resolutions authorising the issue of the series and the date of the covering deed, if any, by which the security is created or defined; and

(*c*) a general description of the property charged; and

(*d*) the names of the trustees, if any, for the debenture holders;

together with the deed containing the charge, or, if there is no such deed, one of the debentures of the series, and the registrar shall, on payment of the prescribed fee, enter those particulars in the register:

Provided that, where more than one issue is made of debentures in the series, there shall be sent to the registrar for entry in the register particulars of the date and amount of each issue, but an omission to do this shall not affect the validity of the debentures issued.

(4) Where any commission, allowance, or discount has been paid or made either directly or indirectly by the company to any person in consideration of his subscribing or agreeing to subscribe, whether absolutely or conditionally, for any debentures of the company, or procuring or agreeing to procure subscriptions, whether absolute or conditional, for any such debentures, the particulars required to be sent for registration under this section shall include particulars as to the amount or rate per cent. of the commission, discount, or allowance so paid or made, but an omission to do this shall not affect the validity of the debentures issued:

Provided that the deposit of any debentures as security for any debt of the company shall not for the purposes of this provision be treated as the issue of the debentures at a discount.

(5) The registrar shall give a certificate under his hand of the registration of any mortgage or charge registered in pursuance of this section, stating the amount thereby secured, and the certificate shall be conclusive evidence that the requirements of this section as to registration have been complied with.

(6) The company shall cause a copy of every certificate of registration given under this section to be endorsed on every debenture or certificate of debenture stock which is issued by the company, and the payment of which is secured by the mortgage or charge so registered:

Provided that nothing in this subsection shall be construed as requiring a company to cause a certificate of registration of any mortgage or charge so given to be endorsed on any debenture or certificate of debenture stock which has been issued by the company before the mortgage or charge was created.

(7) It shall be the duty of the company to send to the registrar for registration the particulars of every mortgage or charge created by the company and of the issues of debentures of a series, requiring registration under this section, but registration of any such mortgage or charge may be effected on the application of any person interested therein.

Where the registration is effected on the application of some person other than the company, that person shall be entitled to recover from the company the amount of any fees properly paid by him to the registrar on the registration.

(8) The register kept in pursuance of this section shall be open to inspection by any person on payment of the prescribed fee, not exceeding one shilling for each inspection.

(9) Every company shall cause a copy of every instrument creating any mortgage or charge requiring registration under this section to be kept at the registered office of the company:

Provided that, in the case of a series of uniform debentures, a copy of one such debenture shall be sufficient.

Registration of enforcement of security.

94.—(1) If any person obtains an order for the appointment of a receiver or manager of the property of a company, or appoints such a receiver or manager under any powers contained in any instrument, he shall within seven days from the date of the order or of the appointment under the powers contained in the instrument give notice of the fact to the registrar of companies, and the registrar shall, on payment of the prescribed fee, enter the fact in the register of mortgages and charges.

(2) If any person makes default in complying with the requirements of this section he shall be liable to a fine not exceeding five pounds for every day during which the default continues.

Filing of accounts of receivers and managers

95.—(1) Every receiver or manager of the property of a company who has been appointed under the powers contained in any instrument, and who has taken possession, shall, once in every half year while he remains in possession, and also on ceasing to act as receiver or manager, file with the registrar of companies an abstract in the prescribed form of his receipts and payments during the period to which the abstract relates, and shall also on ceasing to act as receiver or manager file with the registrar notice to that effect, and the registrar shall enter the notice in the register of mortgages and charges.

(2) Every receiver or manager who makes default in complying with the provisions of this section shall be liable to a fine not exceeding fifty pounds.

Rectification of register of mortgages.

96. A judge of the High Court, on being satisfied that the omission to register a mortgage or charge within the time hereinbefore required, or that the omission or misstatement of any particular with respect to any such mortgage or charge, was accidental, or due to inadvertence or to some other sufficient cause, or is not of a nature to prejudice the position of creditors or shareholders of the company, or that on other grounds it is just and equitable to grant relief, may, on the application of the company or any person interested, and on such terms and conditions as seem to the judge just and expedient, order that the time for registration be extended, or, as the case may be, that the omission or misstatement be rectified.

Entry of satisfaction.

97. The registrar of companies may, on evidence being given to his satisfaction that the debt for which any registered mortgage or charge was given has been paid or satisfied, order that a memorandum of satisfaction be entered on the register, and shall if required furnish the company with a copy thereof.

Index to register of mortgages and charges.

98. The registrar of companies shall keep a chronological index, in the prescribed form and with the prescribed particulars, of the mortgages or charges registered with him under this Act.

Penalties.

99.—(1) If any company makes default in sending to the registrar of companies for registration the particulars of any mortgage or charge created by the company, and of the issues of debentures of a series, requiring registration with the registrar under the foregoing provisions of this Act, then, unless the registration has been effected on the application of some other person, the company, and every director, manager, secretary, or other person who is knowingly a party to the default, shall on conviction be liable to a fine not exceeding fifty pounds for every day during which the default continues.

(2) Subject as aforesaid, if any company makes default in complying with any of the requirements of this Act as to the registration with the registrar of any mortgage or charge created by the company, the company and every director, manager, and other officer of the company, who knowingly and wilfully authorised or permitted the default shall, without prejudice to any other liability, be liable on summary conviction to a fine not exceeding one hundred pounds.

(3) If any person knowingly and wilfully authorises or permits the delivery of any debenture or certificate of debenture stock requiring registration with the registrar under the foregoing provisions of this Act without a copy of the certificate of registration being endorsed upon it, he shall, without prejudice to any other liability, be liable on summary conviction to a fine not exceeding one hundred pounds.

Company's register of mortgages.

100.—(1) Every limited company shall keep a register of mortgages and enter therein all mortgages and charges specifically affecting property of the company, giving in each case a short description of the property mortgaged or charged, the amount of the mortgage or charge, and (except in the case of securities to bearer) the names of the mortgagees or persons entitled thereto.

(2) If any director, manager, or other officer of the company knowingly and wilfully authorises or permits the omission of any entry required to be made in pursuance of this section, he shall be liable to a fine not exceeding fifty pounds.

Right to inspect copies of instruments creating mortgages and charges and company's register of mortgages.

101.—(1) The copies of instruments creating any mortgage or charge requiring registration under this Act with the registrar of companies, and the register of mortgages kept in pursuance of the last foregoing section, shall be open at all reasonable times to the inspection of any creditor or member of the company without fee, and the register of mortgages shall also be open to the inspection of any other person on payment of such fee, not exceeding one shilling for each inspection, as the company may prescribe.

(2) If inspection of the said copies or register is refused, any officer of the company refusing inspection, and every director and manager of the company authorising or knowingly and wilfully permitting the refusal, shall be liable to a fine not exceeding five pounds, and a further fine not exceeding two pounds for

every day during which the refusal continues; and, in addition to the above penalty as respects companies registered in England or Ireland, any judge of the High Court sitting in chambers, or the judge of the court exercising the stannaries jurisdiction in the case of companies subject to that jurisdiction, may by order compel an immediate inspection of the copies or register.

Right of debenture holders to inspect the register of debenture holders and to have copies of trust deed.

102.—(1) Every register of holders of debentures of a company shall, except when closed in accordance with the articles during such period or periods (not exceeding in the whole thirty days in any year) as may be specified in the articles, be open to the inspection of the registered holder of any such debentures, and of any holder of shares in the company, but subject to such reasonable restrictions as the company may in general meeting impose, so that at least two hours in each day are appointed for inspection, and every such holder may require a copy of the register or any part thereof on payment of sixpence for every one hundred words required to be copied.

(2) A copy of any trust deed for securing any issue of debentures shall be forwarded to every holder of any such debentures at his request on payment in the case of a printed trust deed of the sum of one shilling or such less sum as may be prescribed by the company, or, where the trust deed has not been printed, on payment of sixpence for every one hundred words required to be copied.

(3) If inspection is refused, or a copy is refused or not forwarded, the company shall be liable to a fine not exceeding five pounds, and to a further fine not exceeding two pounds for every day during which the refusal continues, and every director, manager, secretary, or other officer of the company who knowingly authorises or permits the refusal shall incur the like penalty.

Debentures and Floating Charges.

Perpetual debentures.

103. A condition contained in any debentures or in any deed for securing any debentures, whether issued or executed before or after the passing of this Act, shall not be invalid by reason only that thereby the debentures are made irredeemable or redeemable only on the happening of a contingency, however remote, or on the expiration of a period, however long, any rule of equity to the contrary notwithstanding.

Power to re-issue redeemed debentures in certain cases.

104.—(1) Where either before or after the passing of this Act a company has redeemed any debentures previously issued, the company, unless the articles or the conditions of issue expressly otherwise provide, or unless the debentures have been redeemed in pursuance of any obligation on the company so to do (not being an obligation enforceable only by the person to whom the redeemed debentures were issued or his assigns), shall have power, and shall be deemed always to have had power, to keep the debentures alive for the purposes of re-issue, and where a company has purported to exercise such a power the

company shall have power, and shall be deemed always to have had power, to re-issue the debentures either by re-issuing the same debentures or by issuing other debentures in their place, and upon such a re-issue the person entitled to the debentures shall have, and shall be deemed always to have had, the same rights and priorities as if the debentures had not previously been issued.

(2) Where with the object of keeping debentures alive for the purpose of re-issue they have either before or after the passing of this Act been transferred to a nominee of the company, a transfer from that nominee shall be deemed to be a re-issue for the purposes of this section.

(3) Where a company has either before or after the passing of this Act deposited any of its debentures to secure advances from time to time on current account or otherwise, the debentures shall not be deemed to have been redeemed by reason only of the account of the company having ceased to be in debit whilst the debentures remained so deposited.

(4) The re-issue of a debenture or the issue of another debenture in its place under the power by this section given to, or deemed to have been possessed by, a company, whether the re-issue or issue was made before or after the passing of this Act, shall be treated as the issue of a new debenture for the purposes of stamp duty, but it shall not be so treated for the purposes of any provision limiting the amount or number of debentures to be issued:

Provided that any person lending money on the security of a debenture reissued under this section which appears to be duly stamped may give the debenture in evidence in any proceedings for enforcing his security without payment of the stamp duty or any penalty in respect thereof, unless he had notice or, but for his negligence, might have discovered, that the debenture was not duly stamped, but in any such case the company shall be liable to pay the proper stamp duty and penalty.

(5) Nothing in this section shall prejudice—

(*a*) the operation of any judgment or order of a court of competent jurisdiction pronounced or made before the seventh day of March nineteen hundred and seven as between the parties to the proceedings in which the judgment was pronounced or the order made, and any appeal from any such judgment or order shall be decided as if this Act had not been passed; or

(*b*) any power to issue debentures in the place of any debentures paid off or otherwise satisfied or extinguished, reserved to a company by its debentures or the securities for the same.

Specific performance of contract to subscribe for debentures.

105. A contract with a company to take up and pay for any debentures of the company may be enforced by an order for specific performance.

Validity of debentures to bearer in Scotland.

106. Notwithstanding anything contained in the statute of the Scots Parliament of 1696, chapter twenty-five, debentures to bearer issued in Scotland are declared to be valid and binding according to their terms.

Payments of certain debts out of assets subject to floating charge in priority to claims under the charge.

107.—(1) Where, in the case of a company registered in England or Ireland, either a receiver is appointed on behalf of the holders of any debentures of the company secured by a floating charge, or possession is taken by or on behalf of those debenture holders of any property comprised in or subject to the charge, then, if the company is not at the time in course of being wound up, the debts which in every winding-up are under the provisions of Part IV. of this Act relating to preferential payments to be paid in priority to all other debts, shall be paid forthwith out of any assets coming to the hands of the receiver or other person taking possession as aforesaid in priority to any claim for principal or interest in respect of the debentures.

(2) The periods of time mentioned in the said provisions of Part IV. of this Act shall be reckoned from the date of the appointment of the receiver or of possession being taken as aforesaid, as the case may be.

(3) Any payments made under this section shall be recouped as far as may be out of the assets of the company available for payment of general creditors.

Statement to be published by Banking and certain other Companies.

Certain companies to publish statement in schedule.

108.—(1) Every company being a limited banking company or an insurance company or a deposit, provident, or benefit society shall, before it commences business, and also on the first Monday in February and the first Tuesday in August in every year during which it carries on business, make a statement in the form marked C. in the First Schedule to this Act, or as near thereto as circumstances will admit.

(2) A copy of the statement shall be put up in a conspicuous place in the registered office of the company, and in every branch office or place where the business of the company is carried on.

(3) Every member and every creditor of the company shall be entitled to a copy of the statement, on payment of a sum not exceeding sixpence.

(4) If default is made in compliance with this section, the company shall be liable to a fine not exceeding five pounds for every day during which the default continues; and every director and manager of the company who knowingly and wilfully authorises or permits the default shall be liable to the like penalty.

(5) For the purposes of this Act a company that carries on the business of insurance in common with any other business or businesses shall be deemed to be an insurance company.

(6) This section shall not apply to any life assurance company nor any other assurance company to which the provisions of the Life Assurance Companies Acts, 1870 to 1872, as to the annual statements to be made by such a company, apply with or without modifications, if the company complies with those provisions.

33 & 34 Vict. c. 61.
34 & 35 Vict. c. 58.
35 & 36 Vict. c. 41.

Inspection and Audit.

Investigation of affairs of company by Board of Trade inspectors.

109.—(1) The Board of Trade may appoint one or more competent inspectors to investigate the affairs of any company and to report thereon in such manner as the Board direct—

(i) In the case of a banking company having a share capital, on the application of members holding not less than one third of the shares issued :

(ii) In the case of any other company having a share capital, on the application of members holding not less than one tenth of the shares issued :

(iii) In the case of a company not having a share capital, on the application of not less than one fifth in number of the persons on the company's register of members.

(2) The application shall be supported by such evidence as the Board of Trade may require for the purpose of showing that the applicants have good reason for, and are not actuated by malicious motives in requiring, the investigation ; and the Board of Trade may, before appointing an inspector, require the applicants to give security for payment of the costs of the inquiry.

(3) It shall be the duty of all officers and agents of the company to produce to the inspectors all books and documents in their custody or power.

(4) An inspector may examine on oath the officers and agents of the company in relation to its business, and may administer an oath accordingly.

(5) If any officer or agent refuses to produce any book or document which under this section it is his duty to produce, or to answer any question relating to the affairs of the company, he shall be liable to a fine not exceeding five pounds in respect of each offence.

(6) On the conclusion of the investigation the inspectors shall report their opinion to the Board of Trade, and a copy of the report shall be forwarded by the Board to the registered office of the company, and a further copy shall, at the request of the applicants for the investigation, be delivered to them.

The report shall be written or printed, as the Board direct.

(7) All expenses of and incidental to the investigation shall be defrayed by the applicants, unless the Board of Trade direct the same to be paid by the company, which the Board is hereby authorised to do.

Power of company to appoint Inspectors.

110.—(1) A company may by special resolution appoint inspectors to investigate its affairs.

(2) Inspectors so appointed shall have the same powers and duties as inspectors appointed by the Board of Trade, except that, instead of reporting to the Board, they shall report in such manner and to such persons as the company in general meeting may direct.

(3) Officers and agents of the company shall incur the like penalties in case of refusal to produce any book or document required to be produced to inspectors so appointed, or to answer any question, as they would have incurred if the inspectors had been appointed by the Board of Trade.

Report of inspectors to be evidence.

111. A copy of the report of any inspectors appointed under this Act, authenticated by the seal of the company whose affairs they have investigated, shall be admissible in any legal proceeding as evidence of the opinion of the inspectors in relation to any matter contained in the report.

Appointment and remuneration of auditors.

112.—(1) Every company shall at each annual general meeting appoint an auditor or auditors to hold office until the next annual general meeting.

(2) If an appointment of auditors is not made at an annual general meeting, the Board of Trade may, on the application of any member of the company, appoint an auditor of the company for the current year, and fix the remuneration to be paid to him by the company for his services.

(3) A director or officer of the company shall not be capable of being appointed auditor of the company.

(4) A person, other than a retiring auditor, shall not be capable of being appointed auditor at an annual general meeting unless notice of an intention to nominate that person to the office of auditor has been given by a shareholder to the company not less than fourteen days before the annual general meeting, and the company shall send a copy of any such notice to the retiring auditor, and shall give notice thereof to the shareholders, either by advertisement or in any other mode allowed by the articles, not less than seven days before the annual general meeting:

Provided that if, after notice of the intention to nominate an auditor has been so given, an annual general meeting is called for a date fourteen days or less after the notice has been given, the notice, though not given within the time required by this provision, shall be deemed to have been properly given for the purposes thereof, and the notice to be sent or given by the company may, instead of being sent or given within the time required by this provision, be sent or given at the same time as the notice of the annual general meeting.

(5) The first auditors of the company may be appointed by the directors before the statutory meeting, and if so appointed shall hold office until the first annual general meeting, unless previously removed by a resolution of the shareholders in general meeting, in which case the shareholders at that meeting may appoint auditors.

(6) The directors may fill any casual vacancy in the office of auditor, but while any such vacancy continues the surviving or continuing auditor or auditors, if any, may act.

(7) The remuneration of the auditors of a company shall be fixed by the company in general meeting, except that the remuneration of any auditors appointed before the statutory meeting, or to fill any casual vacancy, may be fixed by the directors.

Powers and duties of auditors.

113.—(1) Every auditor of a company shall have a right of access at all times to the books and accounts and vouchers of the company, and shall be entitled to require from the directors and officers of the company such information and explanation as may be necessary for the performance of the duties of the auditors.

(2) The auditors shall make a report to the shareholders on the accounts examined by them, and on every balance sheet laid before the company in general meeting during their tenure of office, and the report shall state—

(*a*) whether or not they have obtained all the information and explanations they have required ; and

(*b*) whether, in their opinion, the balance sheet referred to in the report is properly drawn up so as to exhibit a true and correct view of the state of the company's affairs according to the best of their information and the explanations given to them, and as shown by the books of the company.

(3) The balance sheet shall be signed on behalf of the board by two of the directors of the company or, if there is only one director, by that director, and the auditors' report shall be attached to the balance sheet, or there shall be inserted at the foot of the balance sheet a reference to the report, and the report shall be read before the company in general meeting, and shall be open to inspection by any shareholder.

Any shareholder shall be entitled to be furnished with a copy of the balance sheet and auditors' report at a charge not exceeding sixpence for every hundred words.

(4) If any copy of a balance sheet which has not been signed as required by this section is issued, circulated, or published, or if any copy of a balance sheet is issued, circulated, or published without either having a copy of the auditors' report attached thereto or containing such reference to that report as is required by this section, the company, and every director, manager, secretary, or other officer of the company who is knowingly a party to the default, shall on conviction be liable to a fine not exceeding fifty pounds.

(5) In the case of a banking company registered after the fifteenth day of August eighteen hundred and seventy-nine—

(*a*) if the company has branch banks beyond the limits of Europe, it shall be sufficient if the auditor is allowed access to such copies of and extracts from the books

and accounts of any such branch as have been transmitted to the head office of the company in the United Kingdom; and

(*b*) the balance sheet must be signed by the secretary or manager (if any), and where there are more than three directors of the company by at least three of those directors, and where there are not more than three directors by all the directors.

Rights of preference shareholders, &c. as to receipt and inspection of reports, &c.

114.—(1) Holders of preference shares and debentures of a company shall have the same right to receive and inspect the balance sheets of the company and the reports of the auditors and other reports as is possessed by the holders of ordinary shares in the company.

(2) This section shall not apply to a private company, nor to a company registered before the first day of July nineteen hundred and eight.

Carrying on Business with less than the legal Minimum of Members.

Prohibition of carrying on business with fewer than seven or, in the case of a private company, two members.

115. If at any time the number of members of a company is reduced, in the case of a private company, below two, or, in the case of any other company, below seven, and it carries on business for more than six months while the number is so reduced, every person who is a member of the company during the time that it so carries on business after those six months, and is cognisant of the fact that it is carrying on business with fewer than two members, or seven members, as the case may be, shall be severally liable for the payment of the whole debts of the company contracted during that time, and may be sued for the same, without joinder in the action of any other member.

Service and Authentication of Documents.

Service of documents on company.

116. A document may be served on a company by leaving it at or sending it by post to the registered office of the company.

Authentication of documents.

117. A document or proceeding requiring authentication by a company may be signed by a director, secretary, or other authorised officer of the company, and need not be under its common seal.

Tables and Forms.

Application and alteration of tables and forms.

118.—(1) The forms in the Third Schedule to this Act or forms as near thereto as circumstances admit shall be used in all matters to which those forms refer.

(2) The Board of Trade may alter any of the tables and forms in the First Schedule to this Act, so that it does not

increase the amount of fees payable to the registrar in the said schedule mentioned, and may alter or add to the forms in the said Third Schedule.

(3) Any such table or form, when altered, shall be published in the London Gazette, and thenceforth shall have the same force as if it were included in one of the Schedules to this Act, but no alteration made by the Board of Trade in Table A. in the said First Schedule shall affect any company registered before the alteration, or repeal, as respects that company, any portion of that table.

Arbitrations.

Arbitration between companies and others. 22 & 23 Vict. c. 59.

119.—(1) A company may by writing under its common seal agree to refer and may refer to arbitration, in accordance with the Railway Companies Arbitration Act, 1859, any existing or future difference between itself and any other company or person.

(2) Companies parties to the arbitration may delegate to the arbitrator power to settle any terms or to determine any matter capable of being lawfully settled or determined by the companies themselves, or by their directors or other managing body.

(3) All the provisions of the Railway Companies Arbitration Act, 1859, shall apply to arbitrations between companies and persons in pursuance of this Act; and in the construction of those provisions "the companies" shall include companies under this Act.

Power to compromise.

Power to compromise with creditors and members.

120.—(1) Where a compromise or arrangement is proposed between a company and its creditors or any class of them, or between the company and its members or any class of them, the court may, on the application in a summary way of the company or of any creditor or member of the company or, in the case of a company being wound up, of the liquidator, order a meeting of the creditors or class of creditors, or of the members of the company or class of members, as the case may be, to be summoned in such manner as the court directs.

(2) If a majority in number representing three-fourths in value of the creditors or class of creditors, or members or class of members, as the case may be, present either in person or by proxy at the meeting, agree to any compromise or arrangement, the compromise or arrangement shall, if sanctioned by the court, be binding on all the creditors or the class of creditors, or on the members or class of members, as the case may be, and also on the company or, in the case of a company in the course of being wound up, on the liquidator and contributories of the company.

(3) In this section the expression "company" means any company liable to be wound up under this Act.

Meaning of "Private Company."

Meaning of "private company."

121.—(1) For the purposes of this Act the expression "private company" means a company which by its articles—

(*a*) restricts the right to transfer its shares; and

(*b*) limits the number of its members (exclusive of persons who are in the employment of the company) to fifty; and

(*c*) prohibits any invitation to the public to subscribe for any shares or debentures of the company.

(2) A private company may, subject to anything contained in the memorandum or articles, by passing a special resolution and by filing with the registrar of companies such a statement in lieu of prospectus as the company, if a public company, would have had to file before allotting any of its shares or debentures, together with such a statutory declaration as the company, if a public company, would have had to file before commencing business, turn itself into a public company.

(3) Where two or more persons hold one or more shares in a company jointly they shall, for the purposes of this section, be treated as a single member.

Part IV.

Winding Up.

Preliminary.

Modes of winding up.

122.—(1) The winding up of a company may be either—

(i) by the court; or

(ii) voluntary; or

(iii) subject to the supervision of the court.

(2) The provisions of this Act with respect to winding up apply, unless the contrary appears, to the winding up of a company in any of those modes.

Contributories.

Liability as contributories of present and past members.

123.—(1) In the event of a company being wound up, every present and past member shall, subject to the provisions of this section, be liable to contribute to the assets of the company to an amount sufficient for payment of its debts and liabilities and the costs, charges, and expenses of the winding up, and for the adjustment of the rights of the contributories among themselves, with the qualifications following (that is to say):—

(i) A past member shall not be liable to contribute if he has ceased to be a member for one year or upwards before the commencement of the winding up:

(ii) A past member shall not be liable to contribute in respect of any debt or liability of the company contracted after he ceased to be a member:

(iii) A past member shall not be liable to contribute unless it appears to the court that the existing members are unable to satisfy the contributions required to be made by them in pursuance of this Act:

(iv) In the case of a company limited by shares no contribution shall be required from any member exceeding the amount, if any, unpaid on the shares in respect of which he is liable as a present or past member:

(v) In the case of a company limited by guarantee, no contribution shall be required from any member exceeding the amount undertaken to be contributed by him to the assets of the company in the event of its being wound up:

(vi) Nothing in this Act shall invalidate any provision contained in any policy of insurance or other contract whereby the liability of individual members on the policy or contract is restricted, or whereby the funds of the company are alone made liable in respect of the policy or contract:

(vii) A sum due to any member of a company, in his character of a member, by way of dividends, profits, or otherwise, shall not be deemed to be a debt of the company, payable to that member in a case of competition between himself and any other creditor not a member of the company; but any such sum may be taken into account for the purpose of the final adjustment of the rights of the contributories among themselves.

(2) In the winding up of a limited company, any director or manager, whether past or present, whose liability is, in pursuance of this Act, unlimited, shall, in addition to his liability (if any) to contribute as an ordinary member, be liable to make a further contribution as if he were at the commencement of the winding up a member of an unlimited company: Provided that—

(i) A past director or manager shall not be liable to make such further contribution if he has ceased to hold office for a year or upwards before the commencement of the winding up:

(ii) A past director or manager shall not be liable to make such further contribution in respect of any debt or liability of the company contracted after he ceased to hold office:

(iii) Subject to the articles of the company, a director or manager shall not be liable to make such further contribution unless the court deems it necessary to require that contribution in order to satisfy the debts and liabilities of the company, and the costs, charges, and expenses of the winding up.

(3) In the winding up of a company limited by guarantee which has a share capital, every member of the company shall

be liable, in addition to the amount undertaken to be contributed by him to the assets of the company in the event of its being wound up, to contribute to the extent of any sums unpaid on any shares held by him.

Definition of contributory.

124. The term "contributory" means every person liable to contribute to the assets of a company in the event of its being wound up, and, in all proceedings for determining and in all proceedings prior to the final determination of the persons who are to be deemed contributories, includes any person alleged to be a contributory.

Nature of liability of contributory.

125. The liability of a contributory shall create a debt (in England and Ireland of the nature of a specialty) accruing due from him at the time when his liability commenced, but payable at the times when calls are made for enforcing the liability.

Contributories in case of death of member.

126.—(1) If a contributory dies either before or after he has been placed on the list of contributories, his personal representatives and his heirs and devisees, shall be liable in a due course of administration to contribute to the assets of the company in discharge of his liability and shall be contributories accordingly.

(2) Where the personal representatives are placed on the list of contributories, the heirs or devisees need not be added, but, except in the case of heirs or devisees of any such real estate in England, they may be added as and when the court thinks fit.

(3) If the personal representatives make default in paying any money ordered to be paid by them, proceedings may be taken for administering the personal and real estates of the deceased contributory, or either of them, and of compelling payment thereout of the money due.

Contributories in case of bankruptcy of member.

127. If a contributory becomes bankrupt, either before or after he has been placed on the list of contributories, then—

(1) his trustee in bankruptcy shall represent him for all the purposes of the winding up, and shall be a contributory accordingly, and may be called on to admit to proof against the estate of the bankrupt, or otherwise to allow to be paid out of his assets in due course of law, any money due from the bankrupt in respect of his liability to contribute to the assets of the company; and

(2) there may be proved against the estate of the bankrupt the estimated value of his liability to future calls as well as calls already made.

Provision as to married women. 45 & 46 Vict. c. 15. 44 & 45 Vict. c. 21.

128.—(1) The husband of a female contributory married before the date of the commencement of the Married Women's Property Act, 1882, or the Married Women's Property (Scotland) Act, 1881, as the case may be, shall, during the continuance of the marriage, be liable, as respects any liability attaching to any shares acquired by her before that date, to contribute to the

assets of the company the same sum as she would have been liable to contribute if she had not married, and he shall be a contributory accordingly.

(2) Subject as aforesaid, nothing in this Act shall affect the provisions of the Married Women's Property Act, 1882, or the Married Women's Property (Scotland) Act, 1881.

Winding up by Court.

Circumstances in which company may be wound up by court.

129. A company may be wound up by the court—

(i) if the company has by special resolution resolved that the company be wound up by the court:

(ii) if default is made in filing the statutory report or in holding the statutory meeting:

(iii) if the company does not commence its business within a year from its incorporation, or suspends its business for a whole year:

(iv) if the number of members is reduced, in the case of a private company, below two, or, in the case of any other company, below seven:

(v) if the company is unable to pay its debts:

(vi) if the court is of opinion that it is just and equitable that the company should be wound up.

Company when deemed unable to pay its debts.

130. A company shall be deemed to be unable to pay its debts—

(i) if a creditor, by assignment or otherwise, to whom the company is indebted in a sum exceeding fifty pounds then due, has served on the company, by leaving the same at its registered office, a demand under his hand requiring the company to pay the sum so due, and the company has for three weeks thereafter neglected to pay the sum, or to secure or compound for it to the reasonable satisfaction of the creditor; or

(ii) if, in England or Ireland, execution or other process issued on a judgment decree or order of any court in favour of a creditor of the company is returned unsatisfied in whole or in part; or

(iii) if, in Scotland, the induciæ of a charge for payment on an extract decree, or an extract registered bond, or an extract registered protest have expired without payment being made; or

(iv) if it is proved to the satisfaction of the court that the company is unable to pay its debts, and, in determining whether a company is unable to pay its debts, the court shall take into account the contingent and prospective liabilities of the company.

Jurisdiction to wind up companies in England.

131.—(1) The courts having jurisdiction to wind up companies registered in England shall be the High Court, the chancery courts of the counties palatine of Lancaster and Durham, and the county courts.

(2) Where the amount of the share capital of a company paid up or credited as paid up exceeds ten thousand pounds, a petition to wind up the company shall be presented to the High Court, or, in the case of a company whose registered office is situate within the jurisdiction of either of the palatine courts aforesaid, either to the High Court or to the palatine court having jurisdiction.

(3) Where the amount of the share capital of a company paid up or credited as paid up does not exceed ten thousand pounds, and the registered office of the company is situated within the jurisdiction of a county court having jurisdiction under this Act, a petition to wind up the company shall be presented to that county court.

(4) Where a company is formed for working mines within the stannaries and is not shown to be actually working mines beyond the limits of the stannaries, or to be engaged in any other undertaking beyond those limits, or to have entered into a contract for such working or undertaking, a petition to wind up the company shall be presented to the court exercising the stannaries jurisdiction whatever may be the amount of the capital of the company and wherever the registered office of the company is situate.

(5) The Lord Chancellor may by order exclude a county court from having jurisdiction under this Act, and for the purposes of that jurisdiction may attach its district, or any part thereof, to the High Court or any other county court, and may revoke or vary any such order or any like order made under the Companies (Winding Up) Act, 1890. 53 & 54 Vict. c. 63.

In exercising his powers under this section the Lord Chancellor shall provide that a county court shall not have jurisdiction under this Act unless it has for the time being jurisdiction in bankruptcy.

An order made under this provision shall not affect any jurisdiction or powers vested in any county court under or by virtue of the Stannaries Jurisdiction (Abolition) Act, 1896. 59 & 60 Vict. c. 45.

(6) Every court in England having jurisdiction under this Act to wind up a company shall for the purposes of that jurisdiction have all the powers of the High Court, and every prescribed officer of the court shall perform any duties which an officer of the High Court may discharge by order of the judge thereof or otherwise in relation to the winding up of a company.

(7) Nothing in this section shall invalidate a proceeding by reason of its being taken in a wrong court.

(8) For the purposes of this section the expression "registered office" means the place which has longest been the registered office of the company during the six months immediately preceding the presentation of the petition for winding up.

132. Subject to general rules and to orders of transfer made under the authority of the Supreme Court of Judicature Act, 1873, and the Acts amending it, the jurisdiction to wind up companies of the High Court in England under this Act shall, Conduct of winding-up business in High Court in England. 36 & 37 Vict. c. 66.

as the Lord Chancellor may from time to time by general order direct, be exercised, either generally or in specified classes of cases, either by such judge or judges of the Chancery Division of the High Court as the Lord Chancellor may assign to exercise that jurisdiction, or by the judge who, for the time being, exercises the bankruptcy jurisdiction of the High Court.

Transfer of proceedings.

133.—(1) The winding up of a company by the court in England or any proceedings in the winding up may at any time and at any stage, and either with or without application from any of the parties thereto, be transferred from one court to another court, or may be retained in the court in which the proceedings were commenced, although it may not be the court in which they ought to have been commenced.

(2) The powers of transfer given by the foregoing provisions of this section may, subject to and in accordance with general rules, be exercised by the Lord Chancellor or by any judge of the High Court having jurisdiction under this Act, or, as regards any case within the jurisdiction of any other court, by the judge of that court.

(3) If any question arises in any winding-up proceeding in a county court which all the parties to the proceeding, or which one of them and the judge of the court, desire to have determined in the first instance in the High Court, the judge shall state the facts in the form of a special case for the opinion of the High Court, and thereupon the special case and the proceedings, or such of them as may be required, shall be transmitted to the High Court for the purposes of the determination.

Jurisdiction to wind up companies in Ireland.

134. The court having jurisdiction to wind up companies registered in Ireland shall be the High Court:

Provided that where the High Court in Ireland makes an order for winding up a company it may, if it thinks fit, direct that all subsequent proceedings in the winding up be had in the court of bankruptcy having jurisdiction in the place in which the registered office of the company is situate; and thereupon those proceedings shall be taken in that court of bankruptcy accordingly, and that court shall, for the purposes of the winding up, have all the powers of the High Court in Ireland.

Jurisdiction to wind up companies in Scotland.

135. The court having jurisdiction to wind up companies registered in Scotland shall be the Court of Session in either division thereof, or, in the event of a remit to a permanent Lord Ordinary, that Lord Ordinary during session, and in time of vacation the Lord Ordinary on the bills.

Power in Scotland to remit winding up to Lord Ordinary.

136. Where the court in Scotland makes a winding-up order, it may, if it thinks fit, at any time direct all subsequent proceedings in the winding up to be taken before one of the permanent Lords Ordinary, and remit the winding up to him accordingly, and thereupon that Lord Ordinary shall, for the purposes of the winding up, have all the powers and jurisdiction of the court:

Provided that the Lord Ordinary may report to the division of the court any matter which may arise in the course of the winding up.

Provisions as to applications for winding up.

137.—(1) An application to the court for the winding up of a company shall be by petition, presented subject to the provisions of this section either by the company, or by any creditor or creditors (including any contingent or prospective creditor or creditors), contributory or contributories, or by all or any of those parties, together or separately: Provided that

(*a*) A contributory shall not be entitled to present a petition for winding up a company unless—

(i) either the number of members is reduced, in the case of a private company, below two, or, in the case of any other company, below seven; or

(ii) the shares in respect of which he is a contributory, or some of them, either were originally allotted to him or have been held by him, and registered in his name, for at least six months during the eighteen months before the commencement of the winding up, or have devolved on him through the death of a former holder; and

(*b*) A petition for winding up a company on the ground of default in filing the statutory report or in holding the statutory meeting shall not be presented by any person except a shareholder, nor before the expiration of fourteen days after the last day on which the meeting ought to have been held; and

(*c*) The court shall not give a hearing to a petition for winding up a company by a contingent or prospective creditor until such security for costs has been given as the court thinks reasonable and until a primâ facie case for winding up has been established to the satisfaction of the court.

(2) Where a company is being wound up voluntarily or subject to supervision in England, a petition may be presented by the official receiver attached to the court, as well as by any other person authorised in that behalf under the other provisions of this section, but the court shall not make a winding-up order on the petition unless it is satisfied that the voluntary winding up or winding up subject to supervision cannot be continued with due regard to the interests of the creditors or contributories.

(3) Where under the provisions of this Part of this Act any person as being the husband of a female contributory is himself a contributory, and a share has during the whole or any part of the six months been held by or registered in the name of the wife, or by or in the name of a trustee for the wife or for the husband, the share shall, for the purposes of this section, be deemed to have been held by and registered in the name of the husband.

Effect of winding-up order.

138. An order for winding up a company shall operate in favour of all the creditors and of all the contributories of the company as if made on the joint petition of a creditor and of a contributory.

Commencement of winding up by court.

139. A winding up of a company by the court shall be deemed to commence at the time of the presentation of the petition for the winding up.

Power to stay or restrain proceedings against company.

140. At any time after the presentation of a petition for winding up, and before a winding-up order has been made, the company, or any creditor or contributory, may—

(*a*) where any action or proceeding against the company is pending in the High Court or Court of Appeal in England or Ireland, apply to the court in which the action or proceeding is pending for a stay of proceedings therein; and

(*b*) where any other action or proceeding is pending against the company, apply to the court having jurisdiction to wind up the company to restrain further proceedings in the action or proceeding;

and the court to which application is so made may, as the case may be, stay or restrain the proceedings accordingly on such terms as it thinks fit.

Powers of court on hearing petition.

141.—(1) On hearing the petition the court may dismiss it with or without costs, or adjourn the hearing conditionally or unconditionally, or make any interim order, or any other order that it deems just, but the court shall not refuse to make a winding-up order on the ground only that the assets of the company have been mortgaged to an amount equal to or in excess of those assets, or that the company has no assets.

(2) Where the petition is presented on the ground of default in filing the statutory report or in holding the statutory meeting, the court may order the costs to be paid by any persons who, in the opinion of the court, are responsible for the default.

Actions stayed on winding-up order.

142. When a winding-up order has been made, no action or proceeding shall be proceeded with or commenced against the company except by leave of the court, and subject to such terms as the court may impose.

Copy of order to be forwarded to registrar.

143. On the making of a winding-up order, a copy of the order must forthwith be forwarded by the company to the registrar of companies, who shall make a minute thereof in his books relating to the company.

Power of court to stay winding up.

144. The court may at any time after an order for winding up, on the application of any creditor or contributory, and on proof to the satisfaction of the court that all proceedings in relation to the winding up ought to be stayed, make an order staying the proceedings, either altogether or for a limited time, on such terms and conditions as the court thinks fit.

145. The court may, as to all matters relating to a winding up, have regard to the wishes of the creditors or contributories as proved to it by any sufficient evidence. Court may have regard to wishes of creditors or contributories.

Official Receiver.

146.—(1) For the purposes of this Act so far as it relates to the winding up of companies by the court in England, the term "official receiver" shall mean the official receiver, if any, attached to the court for bankruptcy purposes, or, if there is more than one such official receiver, then such one of them as the Board of Trade may appoint, or, if there is no such official receiver, then an officer appointed for the purpose by the Board of Trade. Definition of official receiver.

(2) Any such officer shall for the purpose of his duties under this Act be styled the official receiver.

147.—(1) Where the court in England has made a winding-up order, there shall be made out and submitted to the official receiver a statement as to the affairs of the company in the prescribed form, verified by affidavit, and showing the particulars of its assets, debts, and liabilities, the names, residences, and occupations of its creditors, the securities held by them respectively, the dates when the securities were respectively given, and such further or other information as may be prescribed or as the official receiver may require. Statement of company's affairs to be submitted to official receiver.

(2) The statement shall be submitted and verified by one or more of the persons who are at the time of the winding-up order the directors and by the person who is at that time the secretary or other chief officer of the company, or by such of the persons being or having been directors or officers of the company, or having taken part in the formation of the company at any time within one year before the winding-up order, as the official receiver, subject to the direction of the court, may require to submit and verify the same.

(3) The statement shall be submitted within fourteen days from the date of the order, or within such extended time as the official receiver or the court may for special reasons appoint.

(4) Any person making or concurring in making the statement and affidavit required by this section shall be allowed, and shall be paid by the official receiver, out of the assets of the company, such costs and expenses incurred in and about the preparation and making of the statement and affidavit as the official receiver may consider reasonable, subject to an appeal to the court.

(5) If any person, without reasonable excuse, makes default in complying with the requirements of this section, he shall be liable to a fine not exceeding ten pounds for every day during which the default continues.

(6) Any person stating himself in writing to be a creditor or contributory of the company shall be entitled by himself or

by his agent at all reasonable times, on payment of the prescribed fee, to inspect the statement submitted in pursuance of this section, and to a copy thereof or extract therefrom. But any person untruthfully so stating himself to be a creditor or contributory shall be guilty of a contempt of court and shall be punishable accordingly on the application of the liquidator or of the official receiver.

Report by official receiver.

148.—(1) Where the court in England has made a winding-up order, the official receiver shall, as soon as practicable after receipt of the statement of the company's affairs, submit a preliminary report to the court—

(*a*) as to the amount of capital issued, subscribed, and paid up, and the estimated amount of assets and liabilities; and

(*b*) if the company has failed, as to the causes of the failure; and

(*c*) whether in his opinion further inquiry is desirable as to any matter relating to the promotion, formation, or failure of the company, or the conduct of the business thereof.

(2) The official receiver may also, if he thinks fit, make a further report, or further reports, stating the manner in which the company was formed and whether in his opinion any fraud has been committed by any person in its promotion or formation, or by any director or other officer of the company in relation to the company since the formation thereof, and any other matters which in his opinion it is desirable to bring to the notice of the court.

Liquidators.

Appointment, remuneration, and title of liquidators.

149.—(1) For the purpose of conducting the proceedings in winding up a company and performing such duties in reference thereto as the court may impose, the court may appoint a liquidator or liquidators.

(2) The court may make such an appointment provisionally at any time after the presentation of a petition and before (where the proceedings are in England) the making of an order for winding up, or (where the proceedings are in Scotland or Ireland) the first appointment of liquidators.

(3) Where the proceedings are in England—

(*a*) If a provisional liquidator is appointed before the making of a winding-up order, the official receiver or any other fit person may be appointed:

(*b*) On a winding-up order being made the official receiver shall by virtue of his office become the provisional liquidator and shall continue to act as such until he or another person becomes liquidator and is capable of acting as such:

(*c*) When a person other than the official receiver is appointed liquidator he shall not be capable of acting as liquidator until he has notified his appointment to the registrar of companies and given security in the prescribed manner to the satisfaction of the Board of Trade.

(4) If more than one liquidator is appointed by the court, the court shall declare whether any act by this Act required or authorised to be done by the liquidator is to be done by all or any one or more of the persons appointed.

(5) In a winding up in Scotland or Ireland the court may determine whether any and what security is to be given by a liquidator on his appointment.

(6) A liquidator appointed by the court may resign or, on cause shown, be removed by the court.

(7) A vacancy in the office of a liquidator appointed by the court shall be filled by the court.

In a winding up in England the official receiver shall by virtue of his office be the liquidator during the vacancy.

(8) Where a person other than the official receiver is appointed liquidator, he shall receive such salary or remuneration by way of percentage or otherwise as the court may direct; and, if more such persons than one are appointed liquidators, their remuneration shall be distributed among them in such proportions as the court directs.

(9) A liquidator shall be described as follows (that is to say):—

(*a*) in a winding up in England, where a person other than the official receiver is liquidator, by the style of the liquidator, and, where the official receiver is liquidator, by the style of the official receiver and liquidator, and

(*b*) in a winding up in Scotland or Ireland, by the style of the official liquidator,

of the particular company in respect of which he is appointed, and not by his individual name.

(10) The acts of a liquidator shall be valid notwithstanding any defects that may afterwards be discovered in his appointment or qualification.

Custody of company's property.

150.—(1) In a winding up by the court the liquidator shall take into his custody, or under his control, all the property and things in action to which the company is or appears to be entitled.

(2) In a winding up by the court in Scotland or Ireland, if and so long as there is no liquidator, all the property of the company shall be deemed to be in the custody of the court.

Powers of liquidator

151.—(1) The liquidator in a winding up by the court shall have power, in the case of a winding up in England with the sanction either of the court or of the committee of inspection,

and in the case of a winding up in Scotland or Ireland with the sanction of the court—

(*a*) to bring or defend any action or other legal proceeding in the name and on behalf of the company:

(*b*) to carry on the business of the company, so far as may be necessary for the beneficial winding-up thereof:

(*c*) in the case of a winding up in England, to employ a solicitor or other agent to take any proceedings or do any business which the liquidator is unable to take or do himself; but the sanction in this case must be obtained before the employment, except in cases of urgency, and in those cases it must be shown that no undue delay took place in obtaining the sanction:

(*d*) in the case of a winding up in Scotland or Ireland, to appoint a solicitor or law agent to assist him in the performance of his duties.

(2) The liquidator in a winding up by the court shall have power, but (subject to the provisions of this section) in the case of a winding up in Scotland or Ireland only with the sanction of the court,—

(*a*) To sell the real and personal property, and things in action of the company by public auction or private contract, with power to transfer the whole thereof to any person or company, or to sell the same in parcels:

(*b*) To do all acts and to execute, in the name and on behalf of the company, all deeds, receipts, and other documents, and for that purpose to use, when necessary, the company's seal:

(*c*) To prove, rank, and claim in the bankruptcy, insolvency, or sequestration of any contributory, for any balance against his estate, and to receive dividends in the bankruptcy, insolvency, or sequestration in respect of that balance, as a separate debt due from the bankrupt or insolvent, and rateably with the other separate creditors:

(*d*) To draw, accept, make, and indorse any bill of exchange or promissory note in the name and on behalf of the company, with the same effect with respect to the liability of the company as if the bill or note had been drawn, accepted, made, or indorsed by or on behalf of the company in the course of its business:

(*e*) To raise on the security of the assets of the company any money requisite:

(*f*) To take out in his official name, letters of administration to any deceased contributory, and to do in his official name any other act necessary for obtaining payment of any money due from a contributory or his estate which cannot be conveniently done in the name of the company; and in all such cases the money due shall,

for the purpose of enabling the liquidator to take out the letters of administration or recover the money, be deemed to be due to the liquidator himself:

(*g*) To do all such other things as may be necessary for winding up the affairs of the company and distributing its assets.

(3) The exercise by the liquidator in a winding up by the court in England of the powers conferred by this section shall be subject to the control of the court, and any creditor or contributory may apply to the court with respect to any exercise or proposed exercise of any of those powers.

(4) In the case of a winding up in Scotland or Ireland the court may provide by any order that the liquidator may exercise any of the above powers, except the power to appoint a solicitor or law agent, without the sanction or intervention of the court.

(5) Where a liquidator is provisionally appointed by the court, the court may limit and restrict his powers by the order appointing him.

(6) In a winding up by the court in Scotland the liquidator shall, subject to rules made under this Act, have the same powers as a trustee on a bankrupt estate.

Meetings of creditors and contributories in English winding up.

152.—(1) When a winding-up order has been made by the court in England, the official receiver shall summon separate meetings of the creditors and contributories of the company for the purpose of—

(*a*) determining whether or not an application is to be made to the court for appointing a liquidator in the place of the official receiver; and

(*b*) determining whether or not an application is to be made to the court for the appointment of a committee of inspection to act with the liquidator, and who are to be the members of the committee if appointed.

(2) The court may make any appointment and order required to give effect to any such determination, and, if there is a difference between the determinations of the meetings of the creditors and contributories in respect of any of the matters mentioned in the foregoing provisions of this section, the court shall decide the difference and make such order thereon as the court may think fit.

(3) In case a liquidator is not appointed by the court the official receiver shall be the liquidator of the company.

Liquidator to give information to official receiver.

153. Where in the winding up of a company by the court in England a person other than the official receiver is appointed liquidator he shall give the official receiver such information and such access to and facilities for inspecting the books and documents of the company, and generally such aid as may be requisite for enabling that officer to perform his duties under this Act.

Payments of liquidator in English winding up into bank.

154.—(1) Every liquidator of a company which is being wound up by the court in England shall, in such manner and at such times as the Board of Trade, with the concurrence of the Treasury, direct, pay the money received by him to the Companies Liquidation Account at the Bank of England, and the Board shall furnish him with a certificate of receipt of the money so paid:

Provided that, if the committee of inspection satisfy the Board of Trade that for the purpose of carrying on the business of the company or of obtaining advances, or for any other reason, it is for the advantage of the creditors or contributories that the liquidator should have an account with any other bank, the Board shall, on the application of the committee of inspection, authorise the liquidator to make his payments into and out of such other bank as the committee may select, and thereupon those payments shall be made in the prescribed manner.

(2) If any such liquidator at any time retains for more than ten days a sum exceeding fifty pounds, or such other amount as the Board of Trade in any particular case authorise him to retain, then, unless he explains the retention to the satisfaction of the Board, he shall pay interest on the amount so retained in excess at the rate of twenty per cent. per annum, and shall be liable to disallowance of all or such part of his remuneration as the Board may think just, and to be removed from his office by the Board, and shall be liable to pay any expenses occasioned by reason of his default.

(3) A liquidator of a company which is being wound up by the court in England shall not pay any sums received by him as liquidator into his private banking account.

Audit of liquidator's accounts in English winding up.

155.—(1) Every liquidator of a company which is being wound up by the court in England shall, at such times as may be prescribed but not less than twice in each year during his tenure of office, send to the Board of Trade, or as they direct, an account of his receipts and payments as liquidator.

(2) The account shall be in a prescribed form, shall be made in duplicate, and shall be verified by a statutory declaration in the prescribed form.

(3) The Board shall cause the account to be audited and for the purpose of the audit the liquidator shall furnish the Board with such vouchers and information as the Board may require, and the Board may at any time require the production of and inspect any books or accounts kept by the liquidator.

(4) When the account has been audited, one copy thereof shall be filed and kept by the Board, and the other copy shall be filed with the court, and each copy shall be open to the inspection of any creditor, or of any person interested.

(5) The Board shall cause the account when audited or a summary thereof to be printed, and shall send a printed copy of the account or summary by post to every creditor and contributory.

Books to be kept by liquidator in English winding up.

156. Every liquidator of a company which is being wound up by the court in England shall keep, in manner prescribed, proper books in which he shall cause to be made entries or minutes of proceedings at meetings, and of such other matters as may be prescribed, and any creditor or contributory may, subject to the control of the court, personally or by his agent inspect any such books.

Release of liquidators in England.

157.—(1) When the liquidator of a company which is being wound up by the court in England has realised all the property of the company, or so much thereof as can, in his opinion, be realised without needlessly protracting the liquidation, and has distributed a final dividend, if any, to the creditors, and adjusted the rights of the contributories among themselves, and made a final return, if any, to the contributories, or has resigned, or has been removed from his office, the Board of Trade shall, on his application, cause a report on his accounts to be prepared, and, on his complying with all the requirements of the Board, shall take into consideration the report, and any objection which may be urged by any creditor, or contributory, or person interested against the release of the liquidator, and shall either grant or withhold the release accordingly, subject nevertheless to an appeal to the High Court.

(2) Where the release of a liquidator is withheld the court may, on the application of any creditor, or contributory, or person interested, make such order as it thinks just, charging the liquidator with the consequences of any act or default which he may have done or made contrary to his duty.

(3) An order of the Board of Trade releasing the liquidator shall discharge him from all liability in respect of any act done or default made by him in the administration of the affairs of the company, or otherwise in relation to his conduct as liquidator, but any such order may be revoked on proof that it was obtained by fraud or by suppression or concealment of any material fact.

(4) Where the liquidator has not previously resigned or been removed, his release shall operate as a removal of him from his office.

Exercise and control of liquidator's powers in England.

158.—(1) Subject to the provisions of this Act, the liquidator of a company which is being wound up by the court in England shall, in the administration of the assets of the company and in the distribution thereof among its creditors, have regard to any directions that may be given by resolution of the creditors or contributories at any general meeting, or by the committee of inspection, and any directions given by the creditors or contributories at any general meeting shall in case of conflict be deemed to override any directions given by the committee of inspection.

(2) The liquidator may summon general meetings of the creditors or contributories for the purpose of ascertaining their wishes, and it shall be his duty to summon meetings at such times as the creditors or contributories, by resolution, either at

the meeting appointing the liquidator or otherwise, may direct, or whenever requested in writing to do so by one tenth in value of the creditors or contributories as the case may be.

(3) The liquidator may apply to the court in manner prescribed for directions in relation to any particular matter arising under the winding up.

(4) Subject to the provisions of this Act, the liquidator shall use his own discretion in the management of the estate and its distribution among the creditors.

(5) If any person is aggrieved by any act or decision of the liquidator, that person may apply to the court, and the court may confirm, reverse, or modify the act or decision complained of, and make such order in the premises as it thinks just.

Control of Board of Trade over liquidators in England.

159.—(1) The Board of Trade shall take cognizance of the conduct of liquidators of companies which are being wound up by the court in England, and, if a liquidator does not faithfully perform his duties and duly observe all the requirements imposed on him by statute, rules, or otherwise with respect to the performance of his duties, or if any complaint is made to the Board by any creditor or contributory in regard thereto, the Board shall inquire into the matter, and take such action thereon as they may think expedient.

(2) The Board may at any time require any liquidator of a company which is being wound up by the court in England to answer any inquiry in relation to any winding up in which he is engaged, and may, if the Board think fit, apply to the court to examine him or any other person on oath concerning the winding up.

(3) The Board may also direct a local investigation to be made of the books and vouchers of the liquidator.

Committee of Inspection, Special Manager, Receiver.

Committee of inspection in English winding up.

160.—(1) A committee of inspection appointed in pursuance of this Act shall consist of creditors and contributories of the company or persons holding general powers of attorney from creditors or contributories in such proportions as may be agreed on by the meetings of creditors and contributories, or as, in case of difference, may be determined by the court.

(2) The committee shall meet at such times as they from time to time appoint, and, failing such appointment, at least once a month; and the liquidator or any member of the committee may also call a meeting of the committee as and when he thinks necessary.

(3) The committee may act by a majority of their members present at a meeting, but shall not act unless a majority of the committee are present.

(4) Any member of the committee may resign by notice in writing signed by him and delivered to the liquidator.

(5) If a member of the committee becomes bankrupt, or compounds or arranges with his creditors, or is absent from five

consecutive meetings of the committee without the leave of those members who together with himself represent the creditors or contributories, as the case may be, his office shall thereupon become vacant.

(6) Any member of the committee may be removed by an ordinary resolution at a meeting of creditors (if he represents creditors), or of contributories (if he represents contributories) of which seven days' notice has been given, stating the object of the meeting.

(7) On a vacancy occurring in the committee the liquidator shall forthwith summon a meeting of creditors or of contributories, as the case may require, to fill the vacancy, and the meeting may, by resolution, re-appoint the same or appoint another creditor or contributory to fill the vacancy.

(8) The continuing members of the committee, if not less than two, may act notwithstanding any vacancy in the committee.

(9) If there is no committee of inspection, any act or thing or any direction or permission by this Act authorised or required to be done or given by the committee may be done or given by the Board of Trade on the application of the liquidator.

Power in England to appoint special manager.

161.—(1) Where the official receiver becomes the liquidator of a company, whether provisionally or otherwise, he may, if satisfied that the nature of the estate or business of the company, or the interests of the creditors or contributories generally, require the appointment of a special manager of the estate or business of the company other than himself, apply to the court to, and the court may on such application, appoint a special manager thereof to act during such time as the court may direct, with such powers, including any of the powers of a receiver or manager, as may be entrusted to him by the court.

(2) The special manager shall give such security and account in such manner as the Board of Trade direct.

(3) The special manager shall receive such remuneration as may be fixed by the court.

Power in England to appoint official receiver as receiver for debenture holders or creditors.

162. Where an application is made to the court to appoint a receiver on behalf of the debenture holders or other creditors of a company which is being wound up by the court in England, the official receiver may be so appointed.

Ordinary Powers of Court.

Settlement of list of contributories and application of assets.

163.—(1) As soon as may be after making a winding-up order, the court shall settle a list of contributories, with power to rectify the register of members in all cases where rectification is required in pursuance of this Act, and shall cause the assets of the company to be collected, and applied in discharge of its liabilities.

(2) In settling the list of contributories, the court shall distinguish between persons who are contributories in their own

right and persons who are contributories as being representatives of or liable to the debts of others.

Power to require delivery of property.

164. The court may, at any time after making a winding-up order, require any contributory for the time being settled on the list of contributories, and any trustee, receiver, banker, agent, or officer of the company to pay, deliver, convey, surrender, or transfer forthwith, or within such time as the court directs, to the liquidator any money, property, or books and papers in his hands to which the company is primâ facie entitled.

Power to order payment of debts by contributory.

165.—(1) The court may, at any time after making a winding-up order, make an order on any contributory for the time being settled on the list of contributories to pay, in manner directed by the order, any money due from him or from the estate of the person whom he represents to the company, exclusive of any money payable by him or the estate by virtue of any call in pursuance of this Act.

(2) The court in making such an order may, in the case of an unlimited company, allow to the contributory by way of set-off any money due to him or to the estate which he represents from the company on any independent dealing or contract with the company, but not any money due to him as a member of the company in respect of any dividend or profit; and may, in the case of a limited company, make to any director or manager whose liability is unlimited or to his estate the like allowance.

(3) But in the case of any company, whether limited or unlimited, when all the creditors are paid in full, any money due on any account whatever to a contributory from the company may be allowed to him by way of set-off against any subsequent call.

Power of court to make calls.

166.—(1) The court may, at any time after making a winding-up order, and either before or after it has ascertained the sufficiency of the assets of the company, make calls on and order payment thereof by all or any of the contributories for the time being settled on the list of the contributories to the extent of their liability, for payment of any money which the court considers necessary to satisfy the debts and liabilities of the company, and the costs, charges, and expenses of winding up, and for the adjustment of the rights of the contributories among themselves.

(2) In making a call the court may take into consideration the probability that some of the contributories may partly or wholly fail to pay the call.

Power to order payment into bank.

167.—(1) The court may order any contributory, purchaser or other person from whom money is due to the company to pay the same into the Bank of England or any branch thereof to the account of the liquidator instead of to the liquidator, and any such order may be enforced in the same manner as if it had directed payment to the liquidator.

(2) All moneys and securities paid or delivered into the Bank of England or any branch thereof in the event of a winding up by the court shall be subject in all respects to the orders of the court.

Order on contributory conclusive evidence.

168.—(1) An order made by the court on a contributory shall (subject to any right of appeal) be conclusive evidence that the money, if any, thereby appearing to be due or ordered to be paid is due.

(2) All other pertinent matters stated in the order shall be taken to be truly stated as against all persons, and in all proceedings, except proceedings against the real estate of a deceased contributory, in which case the order shall be only primâ facie evidence for the purpose of charging his real estate, unless his heirs or devisees were on the list of contributories at the time of the order being made.

Power to exclude creditors not proving in time.

169. The court may fix a time or times within which creditors are to prove their debts or claims, or to be excluded from the benefit of any distribution made before those debts are proved.

Adjustment of rights of contributories.

170. The court shall adjust the rights of the contributories among themselves, and distribute any surplus among the persons entitled thereto.

Power to order costs.

171. The court may, in the event of the assets being insufficient to satisfy the liabilities, make an order as to the payment out of the assets of the costs, charges, and expenses incurred in the winding up in such order of priority as the court thinks just.

Dissolution of company.

172.—(1) When the affairs of a company have been completely wound up, the court shall make an order that the company be dissolved from the date of the order, and the company shall be dissolved accordingly.

(2) The order shall be reported by the liquidator to the registrar of companies who shall make in his books a minute of the dissolution of the company.

(3) If the liquidator makes default in complying with the requirements of this section he shall be liable to a fine not exceeding five pounds for every day during which he is in default.

Delegation to liquidator of certain powers of court in England.

173. General rules may be made for enabling or requiring all or any of the powers and duties conferred and imposed on the court in England by this Act, in respect of the matters following, to be exercised or performed by the liquidator as an officer of the court, and subject to the control of the court; that is to say, the powers and duties of the court in respect of—

(*a*) holding and conducting meetings to ascertain the wishes of creditors and contributories;

(*b*) settling lists of contributories and rectifying the register of members where required, and collecting and applying the assets;

(*c*) requiring delivery of property or documents to the liquidator;

(*d*) making calls;

(*e*) fixing a time within which debts and claims must be proved:

Provided that the liquidator shall not, without the special leave of the court, rectify the register of members, and shall not make any call without either the special leave of the court or the sanction of the committee of inspection.

Extraordinary Powers of Court.

Power to summon persons suspected of having property of company.

174.—(1) The court may, after it has made a winding-up order, summon before it any officer of the company or person known or suspected to have in his possession any property of the company or supposed to be indebted to the company, or any person whom the court deems capable of giving information concerning the trade, dealings, affairs, or property of the company.

(2) The court may examine him on oath concerning the same, either by word of mouth or on written interrogatories, and may reduce his answers to writing and require him to sign them.

(3) The court may require him to produce any books and papers in his custody or power relating to the company; but, where he claims any lien on books or papers produced by him, the production shall be without prejudice to that lien, and the court shall have jurisdiction in the winding up to determine all questions relating to that lien.

(4) If any person so summoned, after being tendered a reasonable sum for his expenses, refuses to come before the court at the time appointed, not having a lawful impediment (made known to the court at the time of its sitting, and allowed by it), the court may cause him to be apprehended, and brought before the court for examination.

Power in England to order public examination of promoters, directors, &c.

175.—(1) When an order has been made in England for winding up a company by the court, and the official receiver has made a further report under this Act stating that in his opinion a fraud has been committed by any person in the promotion or formation of the company, or by any director or other officer of the company in relation to the company since its formation, the court may, after consideration of the report, direct that any person who has taken any part in the promotion or formation of the company, or has been a director, or officer of the company, shall attend before the court on a day appointed by the court for that purpose, and be publicly examined as to the promotion or formation or the conduct of the business of the company, or as to his conduct and dealings as director or officer thereof.

(2) The official receiver shall take part in the examination, and for that purpose may, if specially authorised by the Board

of Trade in that behalf, employ a solicitor with or without counsel.

(3) The liquidator, where the official receiver is not the liquidator, and any creditor or contributory, may also take part in the examination either personally or by solicitor or counsel.

(4) The court may put such questions to the person examined as the court thinks fit.

(5) The person examined shall be examined on oath, and shall answer all such questions as the court may put or allow to be put to him.

(6) A person ordered to be examined under this section shall at his own cost, before his examination, be furnished with a copy of the official receiver's report, and may at his own cost employ a solicitor with or without counsel, who shall be at liberty to put to him such questions as the court may deem just for the purpose of enabling him to explain or qualify any answers given by him: Provided that if he is, in the opinion of the court, exculpated from any charges made or suggested against him, the court may allow him such costs as in its discretion it may think fit.

(7) Notes of the examination shall be taken down in writing, and shall be read over to or by, and signed by, the person examined, and may thereafter be used in evidence against him, and shall be open to the inspection of any creditor or contributory at all reasonable times.

(8) The court may, if it thinks fit, adjourn the examination from time to time.

(9) An examination under this section may, if the court so directs, and subject to general rules, be held before any judge of county courts, or before any officer of the Supreme Court, being an official referee, master, or registrar in bankruptcy, or before any district registrar of the High Court named for the purpose by the Lord Chancellor, or, in the case of companies being wound up by a palatine court, before a registrar of that court, and the powers of the court under this section as to the conduct of the examination, but not as to costs, may be exercised by the person before whom the examination is held.

Power to arrest absconding contributory.

176. The court, at any time either before or after making a winding-up order, on proof of probable cause for believing that a contributory is about to quit the United Kingdom, or otherwise to abscond, or to remove or conceal any of his property for the purpose of evading payment of calls, or of avoiding examination respecting the affairs of the company, may cause the contributory to be arrested, and his books and papers and moveable personal property to be seized, and him and them to be safely kept until such time as the court may order.

Powers of court cumulative.

177. Any powers by this Act conferred on the court shall be in addition to and not in restriction of any existing powers of instituting proceedings against any contributory or debtor of the company, or the estate of any contributory or debtor, for the recovery of any call or other sums.

Enforcement of and Appeal from Orders.

Power to enforce orders.

178.—(1) Orders made by the High Court in England or Ireland under this Act may be enforced in the same manner as orders made in any action pending therein.

(2) For the purposes of this Part of this Act the court exercising the stannaries jurisdiction shall, in addition to its ordinary powers, have the same power of enforcing any orders made by it as the High Court in England has in relation to matters within its jurisdiction; and, for the last-mentioned purposes, the jurisdiction of the judge of the court exercising the stannaries jurisdiction shall be deemed to be co-extensive in local limits with the jurisdiction of the High Court in England.

Order for calls on contributories in Scotland.

179. Where an order, interlocutor, or decree has been made in Scotland for winding up a company by the court, it shall be competent to the court, on production by the liquidators of a list certified by them of the names of the contributories liable in payment of any calls, and of the amount due by each contributory, and of the date when the same became due, to pronounce forthwith a decree against those contributories for payment of the sums so certified to be due, with interest from the said date till payment, at the rate of five per cent. per annum in the same way and to the same effect as if they had severally consented to registration for execution, on a charge of six days, of a legal obligation to pay those calls and interest; and the decree may be extracted immediately, and no suspension thereof shall be competent, except on caution or consignation, unless with special leave of the court.

Enforcement of orders throughout United Kingdom.

180.—(1) Any order made by the court in England for or in the course of winding up a company shall be enforced in Scotland and Ireland in the courts that would respectively have jurisdiction in respect of that company if registered in Scotland or Ireland, and in the same manner in all respects as if the order had been made by those courts.

(2) In like manner orders, interlocutors, and decrees made by the court in Scotland for or in the course of winding up a company shall be enforced in England and Ireland, and orders made by the court in Ireland for or in the course of winding up a company shall be enforced in England and Scotland, by the courts which would respectively have jurisdiction in respect of that company if registered in that part of the United Kingdom where the order is required to be enforced, and in the same manner in all respects as if the order had been made by those courts.

(3) Where any order, interlocutor, or decree made by one court is required to be enforced by another court, an office copy of the order, interlocutor, or decree shall be produced to the proper officer of the court required to enforce the same, and the production of an office copy shall be sufficient evidence of the order, interlocutor, or decree, and thereupon the last-mentioned

court shall take the requisite steps in the matter for enforcing the order, interlocutor, or decree, in the same manner as if it had been made by that court.

Appeals from order.

181.—(1) Subject to rules of court, an appeal from any order or decision made or given in the winding up of a company by the court under this Act shall lie in the same manner and subject to the same conditions as an appeal from any order or decision of the court in cases within its ordinary jurisdiction.

(2) Provided, in regard to orders or judgments pronounced in Scotland by the Lord Ordinary on the Bills in vacation, that—

(i) No order or judgment under the provisions of this Act specified in the First Part of the Fourth Schedule to this Act shall be subject to review, reduction, suspension, or stay of execution; and

(ii) Every other order or judgment (except as herein-after mentioned) shall be subject to review only by reclaiming note, in common form, presented within fourteen days from the date of the order or judgment:

Provided that orders or judgments under the provisions of this Act specified in the Second Part of the Fourth Schedule to this Act shall, from the dates of those orders or judgments, and notwithstanding any reclaiming note against them, be carried out and receive effect until the reclaiming note is disposed of by the court.

(3) Provided also, in regard to orders or judgments pronounced in Scotland by a permanent Lord Ordinary to whom a winding-up has been remitted, that any such order or judgment shall be subject to review only by reclaiming note in common form, presented within fourteen days from the date of the order or judgment, but, should a reclaiming note not be presented and moved during session, the provisions of this section in regard to orders or judgments pronounced by the Lord Ordinary on the bills in vacation shall apply to the order or judgment.

(4) Nothing in this section shall affect the provisions of this Act in reference to decrees in Scotland for payment of calls in the winding up of companies, whether voluntarily or by or subject to the supervision of the court.

Voluntary Winding Up.

Circumstances in which company may be wound up voluntarily.

182. A company may be wound up voluntarily—

(1) When the period (if any) fixed for the duration of the company by the articles expires, or the event (if any) occurs, on the occurrence of which the articles provide that the company is to be dissolved, and the company in general meeting has passed a resolution requiring the company to be wound up voluntarily:

(2) If the company resolves by special resolution that the company be wound up voluntarily:

(3) If the company resolves by extraordinary resolution to the effect that it cannot by reason of its liabilities continue its business, and that it is advisable to wind up.

Commencement of voluntary winding up.

183. A voluntary winding up shall be deemed to commence at the time of the passing of the resolution authorising the winding up.

Effect of voluntary winding up on status of company.

184. When a company is wound up voluntarily the company shall, from the commencement of the winding up, cease to carry on its business, except so far as may be required for the beneficial winding up thereof:

Provided that the corporate state and corporate powers of the company shall, notwithstanding anything to the contrary in its articles, continue until it is dissolved.

Notice of resolution to wind up voluntarily.

185. When a company has resolved by special or extraordinary resolution to wind up voluntarily, it shall give notice of the resolution by advertisement in the Gazette.

Consequences of voluntary winding up.

186. The following consequences shall ensue on the voluntary winding up of a company:—

(i) The property of the company shall be applied in satisfaction of its liabilities pari passu, and, subject thereto, shall, unless the articles otherwise provide, be distributed among the members according to their rights and interests in the company:

(ii) The company in general meeting shall appoint one or more liquidators for the purpose of winding up the affairs and distributing the assets of the company, and may fix the remuneration to be paid to him or them:

(iii) On the appointment of a liquidator all the powers of the directors shall cease, except so far as the company in general meeting, or the liquidator, sanctions the continuance thereof:

(iv) The liquidator may, without the sanction of the court, exercise all powers by this Act given to the liquidator in a winding up by the court:

(v) The liquidator may exercise the powers of the court under this Act of settling a list of contributories, and of making calls, and shall pay the debts of the company, and adjust the rights of the contributories among themselves:

(vi) The list of contributories shall be primâ facie evidence of the liability of the persons named therein to be contributories:

(vii) When several liquidators are appointed, every power hereby given may be exercised by such one or more of them as may be determined at the time of their appointment, or in default of such determination by any number not less than two:

(viii) If from any cause whatever there is no liquidator acting, the court may, on the application of a contributory, appoint a liquidator:

(ix) The court may, on cause shown, remove a liquidator, and appoint another liquidator.

Notice by liquidator of his appointment.

187.—(1) The liquidator in a voluntary winding-up shall, within twenty-one days after his appointment, file with the registrar of companies a notice of his appointment in the form prescribed by the Board of Trade.

(2) If the liquidator fails to comply with the requirements of this section he shall be liable to a fine not exceeding five pounds for every day during which the default continues.

Rights of creditors in a voluntary winding-up.

188.—(1) Every liquidator appointed by a company in a voluntary winding-up shall, within seven days from his appointment, send notice by post to all persons who appear to him to be creditors of the company that a meeting of the creditors of the company will be held on a date, not being less than fourteen nor more than twenty-one days after his appointment, and at a place and hour, to be specified in the notice, and shall also advertise notice of the meeting once in the Gazette and once at least in two local newspapers circulating in the district where the registered office or principal place of business of the company was situate.

(2) At the meeting to be held in pursuance of the foregoing provisions of this section the creditors shall determine whether an application shall be made to the court for the appointment of any person as liquidator in the place of or jointly with the liquidator appointed by the company, or for the appointment of a committee of inspection, and, if the creditors so resolve, an application may be made accordingly to the court at any time, not later than fourteen days after the date of the meeting, by any creditor appointed for the purpose at the meeting.

(3) On any such application the court may make an order either for the removal of the liquidator appointed by the company and for the appointment of some other person as liquidator or for the appointment of some other person to act as liquidator jointly with the liquidator appointed by the company, or for the appointment of a committee of inspection either together with or without any such appointment of a liquidator or such other order as, having regard to the interests of the creditors and contributories of the company, may seem just.

(4) No appeal shall lie from any order of the court upon an application under this section.

(5) The court shall make such order as to the costs of the application as it may think fit, and if it is of opinion that, having

regard to the interests of the creditors in the liquidation, there were reasonable grounds for the application, may order the costs of the application to be paid out of the assets of the company, notwithstanding that the application is dismissed or otherwise disposed of adversely to the applicant.

Power to fill vacancy in office of liquidator.

189.—(1) If a vacancy occurs by death, resignation, or otherwise in the office of liquidator appointed by the company in a voluntary winding up, the company in general meeting may, subject to any arrangement with its creditors, fill the vacancy.

(2) For that purpose a general meeting may be convened by any contributory or, if there were more liquidators than one, by the continuing liquidators.

(3) The meeting shall be held in manner prescribed by the articles, or in such manner as may, on application by any contributory or by the continuing liquidators, be determined by the court.

Delegation of authority to appoint liquidators.

190.—(1) A company about to be, or in course of being, wound up voluntarily may, by extraordinary resolution, delegate to its creditors, or to any committee of them, the power of appointing liquidators or any of them, and of supplying vacancies among the liquidators, or enter into any arrangement with respect to the powers to be exercised by the liquidators, and the manner in which they are to be exercised.

(2) Any act done by creditors in pursuance of any such delegated power shall have the same effect as if it had been done by the company.

Arrangement when binding on creditors.

191.—(1) Any arrangement entered into between a company about to be, or in the course of being, wound up voluntarily and its creditors shall, subject to any right of appeal under this section, be binding on the company if sanctioned by an extraordinary resolution, and on the creditors if acceded to by three fourths in number and value of the creditors.

(2) Any creditor or contributory may, within three weeks from the completion of the arrangement, appeal to the court against it, and the court may thereupon, as it thinks just, amend, vary, or confirm the arrangement.

Power of liquidator to accept shares, &c. as consideration for sale of property of company.

192.—(1) Where a company is proposed to be, or is in course of being, wound up altogether voluntarily, and the whole or part of its business or property is proposed to be transferred or sold to another company (in this section called the transferee company,) the liquidator of the first-mentioned company (in this section called the transferor company) may, with the sanction of a special resolution of that company, conferring either a general authority on the liquidator or an authority in respect of any particular arrangement, receive in compensation or part compensation for the transfer or sale, shares, policies, or other like interests in the transferee company, for distribution among the

members of the transferor company, or may enter into any other arrangement whereby the members of the transferor company may, in lieu of receiving cash, shares, policies, or other like interests, or in addition thereto, participate in the profits of or receive any other benefit from the transferee company.

(2) Any sale or arrangement in pursuance of this section shall be binding on the members of the transferor company.

(3) If any member of the transferor company who did not vote in favour of the special resolution at either of the meetings held for passing and confirming the same expresses his dissent therefrom in writing addressed to the liquidator, and left at the registered office of the company within seven days after the confirmation of the resolution, he may require the liquidator either to abstain from carrying the resolution into effect, or to purchase his interest at a price to be determined by agreement or by arbitration in manner provided by this section.

(4) If the liquidator elects to purchase the member's interest the purchase money must be paid before the company is dissolved, and be raised by the liquidator in such manner as may be determined by special resolution.

(5) A special resolution shall not be invalid for the purposes of this section by reason that it is passed before or concurrently with a resolution for winding up the company, or for appointing liquidators; but, if an order is made within a year for winding up the company by or subject to the supervision of the court, the special resolution shall not be valid unless sanctioned by the court.

(6) For the purposes of an arbitration under this section the provisions of the Companies Clauses Consolidation Act, 1845, or, in the case of a winding-up in Scotland, the Companies Clauses Consolidation (Scotland) Act, 1845, with respect to the settlement of disputes by arbitration, shall be incorporated with this Act; and in the construction of those provisions this Act shall be deemed to be the special Act, and "the company" shall mean the transferor company, and any appointment by the said incorporated provisions directed to be made under the hand of the secretary, or any two of the directors, may be made under the hand of the liquidator, or, if there is more than one liquidator, then of any two or more of the liquidators. 8 & 9 Vict. c. 16. 8 & 9 Vict. c. 17.

Power to apply to court.

193.—(1) Where a company is being wound up voluntarily the liquidator or any contributory or creditor may apply to the court to determine any question arising in the winding up, or to exercise, as respects the enforcing of calls, or any other matter, all or any of the powers which the court might exercise if the company were being wound up by the court.

(2) The court, if satisfied that the determination of the question or the required exercise of power will be just and beneficial, may accede wholly or partially to the application on such terms and conditions as the court thinks fit, or may make such other order on the application as the court thinks just.

Power of liquidator to call general meeting.

194.—(1) Where a company is being wound up voluntarily, the liquidator may summon general meetings of the company for the purpose of obtaining the sanction of the company by special or extraordinary resolution, or for any other purposes he may think fit.

(2) In the event of the winding up continuing for more than one year, the liquidator shall summon a general meeting of the company at the end of the first year from the commencement of the winding up, and of each succeeding year, or as soon thereafter as may be convenient, and shall lay before the meeting an account of his acts and dealings and of the conduct of the winding up during the preceding year.

Final meeting and dissolution.

195.—(1) In the case of every voluntary winding-up, as soon as the affairs of the company are fully wound up, the liquidator shall make up an account of the winding up, showing how the winding up has been conducted and the property of the company has been disposed of; and thereupon shall call a general meeting of the company for the purpose of laying before it the account, and giving any explanation thereof.

(2) The meeting shall be called by advertisement in the Gazette, specifying the time, place, and object thereof, and published one month at least before the meeting.

(3) Within one week after the meeting, the liquidator shall make a return to the registrar of companies of the holding of the meeting, and of its date, and in default of so doing shall be liable to a fine not exceeding five pounds for every day during which the default continues.

(4) The registrar on receiving the return shall forthwith register it, and on the expiration of three months from the registration of the return the company shall be deemed to be dissolved:

Provided that the court may, on the application of the liquidator or of any other person who appears to the court to be interested, make an order deferring the date at which the dissolution of the company is to take effect for such time as the court thinks fit.

(5) It shall be the duty of the person on whose application an order of the court under this section is made, within seven days after the making of the order, to file with the registrar an office copy of the order, and if that person fails so to do he shall be liable to a fine not exceeding five pounds for every day during which the default continues.

Costs of voluntary liquidation.

196. All costs, charges, and expenses properly incurred in the voluntary winding up of a company, including the remuneration of the liquidator, shall be payable out of the assets of the company in priority to all other claims.

Saving for rights of creditors and contributories.

197. The voluntary winding up of a company shall not bar the right of any creditor or contributory to have it wound up by the court, if the court is of opinion, in the case of an application by a creditor, that the rights of the creditor or, in

the case of an application by a contributory, that the rights of the contributories will be prejudiced by a voluntary winding up.

Power of court to adopt proceedings of voluntary winding up.

198. Where a company is being wound up voluntarily, and an order is made for winding up by the court, the court may if it thinks fit by the same or any subsequent order provide for the adoption of all or any of the proceedings in the voluntary winding up.

Winding Up subject to Supervision of Court.

Power to order winding up subject to supervision.

199. When a company has by special or extraordinary resolution resolved to wind up voluntarily, the court may make an order that the voluntary winding up shall continue but subject to such supervision of the court, and with such liberty for creditors, contributories, or others to apply to the court, and generally on such terms and conditions as the court thinks just.

Effect of petition for winding up subject to supervision

200. A petition for the continuance of a voluntary winding up subject to the supervision of the court shall, for the purpose of giving jurisdiction to the court over actions, be deemed to be a petition for winding up by the court.

Court may have regard to wishes of creditors and contributories.

201. The court may, in deciding between a winding up by the court and a winding up subject to supervision, in the appointment of liquidators, and in all other matters relating to the winding up subject to supervision, have regard to the wishes of the creditors or contributories as proved to it by any sufficient evidence.

Power for court to appoint or remove liquidators.

202.—(1) Where an order is made for a winding up subject to supervision, the court may by the same or any subsequent order appoint any additional liquidator.

(2) A liquidator appointed by the court under this section shall have the same powers, be subject to the same obligations, and in all respects stand in the same position as if he had been appointed by the company.

(3) The court may remove any liquidator so appointed by the court or any liquidator continued under the supervision order and fill any vacancy occasioned by the removal, or by death or resignation.

Effect of supervision order.

203.—(1) Where an order is made for a winding up subject to supervision, the liquidator may, subject to any restrictions imposed by the court, exercise all his powers, without the sanction or intervention of the court, in the same manner as if the company were being wound up altogether voluntarily.

(2) A winding-up subject to the supervision of the court is not a winding-up by the court for the purpose of the following provisions of this Act, namely, those contained in sections one hundred and forty-seven, one hundred and forty-eight, one hundred and forty-nine, except subsection (10), one hundred and fifty-two, one hundred and fifty-three, one hundred and fifty-four, one hundred and fifty-five, one hundred and fifty-six,

one hundred and fifty-seven, one hundred and fifty-eight, one hundred and fifty-nine, one hundred and sixty, one hundred and sixty-one, one hundred and sixty-two, one hundred and seventy-three, and one hundred and seventy-five, but, subject as aforesaid, an order for a winding up subject to supervision shall for all purposes, including the staying of actions and other proceedings, the making and enforcement of calls, the power in Scotland to remit the winding up to a permanent Lord Ordinary, and the exercise of all other powers, be deemed to be an order for winding up by the court.

Appointment of voluntary liquidator as liquidator in winding up by court in Scotland or Ireland.

204. Where an order has been made in Scotland or Ireland for winding up a company subject to supervision, and an order is afterwards made for winding up by the court, the court may by the last-mentioned or by any subsequent order appoint any person who is then liquidator, either provisionally or permanently, and either with or without any other person, to be liquidator in the winding up by the court.

Supplemental Provisions.

Avoidance of transfers, &c. after commencement of winding up.

205.—(1) In the case of voluntary winding up, every transfer of shares, except transfers made to or with the sanction of the liquidator, and every alteration in the status of the members of the company made after the commencement of the winding up, shall be void.

(2) In the case of a winding up by or subject to the supervision of the court, every disposition of the property (including things in action) of the company, and every transfer of shares, or alteration in the status of its members, made after the commencement of the winding up, shall, unless the court otherwise orders, be void.

Debts of all descriptions to be proved.

206. In every winding up (subject in the case of insolvent companies to the application in accordance with the provisions of this Act of the law of bankruptcy) all debts payable on a contingency, and all claims against the company, present or future, certain or contingent, ascertained or sounding only in damages, shall be admissible to proof against the company, a just estimate being made, so far as possible, of the value of such debts or claims as may be subject to any contingency or sound only in damages, or for some other reason do not bear a certain value.

Application of bankruptcy rules in winding up of insolvent English and Irish companies.

207. In the winding up of an insolvent company registered in England or Ireland the same rules shall prevail and be observed with regard to the respective rights of secured and unsecured creditors and to debts provable and to the valuation of annuities and future and contingent liabilities as are in force for the time being under the law of bankruptcy in England or Ireland, as the case may be, with respect to the estates of persons adjudged bankrupt; and all persons who in any such

case would be entitled to prove for and receive dividends out of the assets of the company may come in under the winding up, and make such claims against the company as they respectively are entitled to by virtue of this section.

Ranking of claims in Scotland.

208. In the winding up of a company registered in Scotland, the general and special rules in regard to voting and ranking for payment of dividends provided by sections forty-nine to sixty-six of the Bankruptcy (Scotland) Act, 1856, or any other rules in regard thereto which may be in force for the time being in the sequestration of the estates of bankrupts in Scotland, shall, so far as is consistent with this Act, apply to creditors of the company voting in matters relating to the winding up, and ranking for payment of dividends; and for this purpose sequestration shall be taken to mean winding up, trustee to mean liquidator, and sheriff to mean the court.

19 & 20 Vict. c. 79.

Preferential payments.

209.—(1) In a winding up there shall be paid in priority to all other debts—

(*a*) All parochial or other local rates due from the company at the date hereinafter mentioned, and having become due and payable within twelve months next before that date, and all assessed taxes, land tax, property or income tax assessed on the company up to the fifth day of April next before that date, and not exceeding in the whole one year's assessment;

(*b*) All wages or salary of any clerk or servant in respect of services rendered to the company during four months before the said date, not exceeding fifty pounds; and

(*c*) All wages of any workman or labourer not exceeding twenty-five pounds, whether payable for time or for piece work, in respect of services rendered to the company during two months before the said date: Provided that where any labourer in husbandry has entered into a contract for the payment of a portion of his wages in a lump sum at the end of the year of hiring, he shall have priority in respect of the whole of such sum, or a part thereof, as the court may decide to be due under the contract, proportionate to the time of service up to the said date; and

(*d*) Unless the company is being wound up voluntarily merely for the purposes of reconstruction or of amalgamation with another company, all amounts (not exceeding in any individual case one hundred pounds) due in respect of compensation under the Workmen's Compensation Act, 1906, the liability wherefor accrued before the said date, subject nevertheless to the provisions of section five of that Act.

6 Edw. 7. c. 58.

(2) The foregoing debts shall—

(*a*) Rank equally among themselves and be paid in full, unless the assets are insufficient to meet them, in

which case they shall abate in equal proportions; and

(*b*) In the case of a company registered in England or Ireland, so far as the assets of the company available for payment of general creditors are insufficient to meet them, have priority over the claims of holders of debentures under any floating charge created by the company, and be paid accordingly out of any property comprised in or subject to that charge.

(3) Subject to the retention of such sums as may be necessary for the costs and expenses of the winding up, the foregoing debts shall be discharged forthwith so far as the assets are sufficient to meet them.

(4) In the event of a landlord or other person distraining or having distrained on any goods or effects of the company within three months next before the date of a winding-up order, the debts to which priority is given by this section shall be a first charge on the goods or effects so distrained on, or the proceeds of the sale thereof:

Provided that in respect of any money paid under any such charge the landlord or other person shall have the same rights of priority as the person to whom the payment is made.

(5) The date herein-before in this section referred to is—

(*a*) in the case of a company ordered to be wound up compulsorily which had not previously commenced to be wound up voluntarily, the date of the winding-up order; and

(*b*) in any other case, the date of the commencement of the winding up.

Fraudulent preference.

210.—(1) Any conveyance, mortgage, delivery of goods, payment, execution, or other act relating to property which would, if made or done by or against an individual, be deemed in his bankruptcy a fraudulent preference, shall, if made or done by or against a company, be deemed, in the event of its being wound up, a fraudulent preference of its creditors, and be invalid accordingly.

(2) For the purposes of this section the presentation of a petition for winding up in the case of a winding up by or subject to the supervision of the court, and a resolution for winding up in the case of a voluntary winding-up, shall be deemed to correspond with the act of bankruptcy in the case of an individual.

(3) Any conveyance or assignment by a company of all its property to trustees for the benefit of all its creditors shall be void to all intents.

Avoidance of certain attachments, executions, &c. in case of company registered in England or Ireland.

211. Where any company (being a company registered in England or Ireland) is being wound up by or subject to the supervision of the court, any attachment, sequestration, distress, or execution put in force against the estate or effects of the

company after the commencement of the winding-up shall be void to all intents.

Effect of floating charge.

212. Where a company is being wound up, a floating charge on the undertaking or property of the company created within three months of the commencement of the winding up shall, unless it is proved that the company immediately after the creation of the charge was solvent, be invalid, except to the amount of any cash paid to the company at the time of or subsequently to the creation of, and in consideration for, the charge, together with interest on that amount at the rate of five per cent. per annum.

Effect in case of company registered in Scotland of diligence within 60 days of winding up by or subject to supervision of court.

213. In the winding up, by or subject to the supervision of the court, of a company registered in Scotland, the following provisions shall have effect :—

(1) The winding up shall, in the case of a winding up by the court as at its commencement, and in the case of a winding up subject to supervision as at the date of the presentation of the petition on which the supervision order is pronounced, be equivalent to an arrestment in execution and decree of forthcoming, and to an executed or completed poinding; and no arrestment or poinding of the funds or effects of the company, executed on or after the sixtieth day prior to the commencement of the winding up by the court, or to the presentation of the petition on which a supervision order is made, as the case may be, shall be effectual; and those funds or effects, or the proceeds of those effects, if sold, shall be made forthcoming to the liquidator: Provided that any arrester or poinder before the date of the winding up, or of the petition, as the case may be, who is thus deprived of the benefit of his diligence, shall have preference out of those funds or effects for the expense bonâ fide incurred by him in such diligence:

(2) The winding up shall, as at the respective dates aforesaid, be equivalent to a decree of adjudication of the heritable estates of the company for payment of the whole debts of the company, principal and interest, accumulated at the said dates respectively, subject to such preferable heritable rights and securities as existed at the said dates and are valid and unchallengeable, and the right to poind the ground herein-after provided:

(3) The provisions of sections one hundred and twelve to one hundred and seventeen, and of section one hundred and twenty, of the Bankruptcy (Scotland) Act, 1856, shall, so far as is consistent with this Act, apply to the realisation of heritable estates affected by such heritable rights and securities as aforesaid; and for the purposes of this Act the words "sequestration" 19 & 20 Vict. c. 79.

and "trustee" occurring in those sections shall mean respectively "winding up" and "liquidator"; and the expression "the Lord Ordinary or the court" shall mean "the court" as defined by this Act with respect to Scotland:

(4) No poinding of the ground which has not been carried into execution by sale of the effects sixty days before the respective dates aforesaid shall, except to the extent herein-after provided, be available in any question with the liquidator: Provided that no creditor who holds a security over the heritable estate preferable to the right of the liquidator shall be prevented from executing a poinding of the ground after the respective dates aforesaid, but that poinding shall in competition with the liquidator be available only for the interest on the debt for the current half-yearly term, and for the arrears of interest for one year immediately before the commencement of that term.

General scheme of liquidation may be sanctioned.

214.—(1) The liquidator may, with the sanction following (that is to say)—

(*a*) in the case of a winding up by the court in England with the sanction either of the court or of the committee of inspection;

(*b*) in the case of a winding up by the court in Scotland or Ireland, and in the case of any winding up subject to supervision, with the sanction of the court; and

(*c*) in the case of a voluntary winding up, with the sanction of an extraordinary resolution of the company,

do the following things or any of them:—

(i) Pay any classes of creditors in full;

(ii) Make any compromise or arrangement with creditors or persons claiming to be creditors, or having or alleging themselves to have any claim, present or future, certain or contingent, ascertained or sounding only in damages against the company, or whereby the company may be rendered liable;

(iii) Compromise all calls and liabilities to calls, debts, and liabilities capable of resulting in debts, and all claims, present or future, certain or contingent, ascertained or sounding only in damages, subsisting or supposed to subsist between the company and a contributory, or alleged contributory, or other debtor or person apprehending liability to the company, and all questions in any way relating to or affecting the assets or the winding up of the company, on such terms as may be agreed, and take any security for the discharge of any such call, debt, liability or claim, and give a complete discharge in respect thereof.

(2) In the case of a winding up by the court in England the exercise by the liquidator of the powers of this section shall be

subject to the control of the court, and any creditor or contributory may apply to the court with respect to any exercise or proposed exercise of any of those powers.

Power of court to assess damages against delinquent directors, &c.

215.—(1) Where in the course of winding up a company it appears that any person who has taken part in the formation or promotion of the company, or any past or present director, manager, or liquidator, or any officer of the company, has misapplied or retained or become liable or accountable for any money or property of the company, or been guilty of any misfeasance or breach of trust in relation to the company, the court may, on the application of the official receiver, or of the liquidator, or of any creditor or contributory, examine into the conduct of the promoter, director, manager, liquidator, or officer, and compel him to repay or restore the money or property or any part thereof respectively with interest at such rate as the court thinks just, or to contribute such sum to the assets of the company by way of compensation in respect of the misapplication, retainer, misfeasance, or breach of trust as the court thinks just.

(2) This section shall apply notwithstanding that the offence is one for which the offender may be criminally responsible.

(3) Where in the case of a winding-up in England an order for payment of money is made under this section, the order shall be deemed to be a final judgment within the meaning of paragraph (*g*) of subsection (1) of section four of the Bankruptcy Act, 1883. 46 & 47 Vict. c. 52.

(4) So much of this section as refers to promoters, and to property of a company other than money, shall not apply to a winding up in Scotland or Ireland.

Penalty for falsification of books.

216. If any director, officer, or contributory of any company being wound up destroys, mutilates, alters, or falsifies any books, papers, or securities, or makes or is privy to the making of any false or fraudulent entry in any register, book of account, or document belonging to the company with intent to defraud or deceive any person, he shall be guilty of a misdemeanour, and be liable to imprisonment for any term not exceeding two years, with or without hard labour.

Prosecution of delinquent directors, &c.

217.—(1) If it appears to the court in the course of a winding up by or subject to the supervision of the court that any past or present director, manager, officer, or member of the company has been guilty of any offence in relation to the company for which he is criminally responsible, the court may on the application of any person interested in the winding up, or of its own motion, direct the liquidator to prosecute for the offence, and may order the costs and expenses to be paid out of the assets of the company.

(2) If it appears to the liquidator in the course of a voluntary winding up that any past or present director, manager, officer, or member of the company has been guilty of any offence in

relation to the company for which he is criminally responsible, the liquidator, with the previous sanction of the court, may prosecute the offender, and all expenses properly incurred by him in the prosecution shall be payable out of the assets of the company in priority to all other liabilities.

Penalty on perjury.

218. If any person, on examination on oath authorised under this Act, or in any affidavit or deposition in or about the winding up of any company or otherwise in or about any matter arising under this Act, wilfully and corruptly gives false evidence, he shall be liable to the penalties for wilful perjury.

Meetings to ascertain wishes of creditors or contributories.

219.—(1) Where by this Act the court is authorised, in relation to winding up, to have regard to the wishes of creditors or contributories, as proved to it by any sufficient evidence, the court may, if it thinks fit, for the purpose of ascertaining those wishes, direct meetings of the creditors or contributories to be called, held, and conducted in such manner as the court directs, and may appoint a person to act as chairman of any such meeting and to report the result thereof to the court.

(2) In the case of creditors, regard shall be had to the value of each creditor's debt.

(3) In the case of contributories, regard shall be had to the number of votes conferred on each contributory by the articles.

Books of company to be evidence.

220. Where any company is being wound up, all books and papers of the company and of the liquidators shall, as between the contributories of the company, be primâ facie evidence of the truth of all matters purporting to be therein recorded.

Inspection of books.

221. After an order for a winding up by or subject to the supervision of the court, the court may make such order for inspection by creditors and contributories of the company of its books and papers as the court thinks just, and any books and papers in the possession of the company may be inspected by creditors or contributories accordingly, but not further or otherwise.

Disposal books and papers of company.

222.—(1) When a company has been wound up and is about to be dissolved, the books and papers of the company and of the liquidators may be disposed of as follows (that is to say):—

(*a*) In the case of a winding up by or subject to the supervision of the court in such way as the court directs;

(*b*) In the case of a voluntary winding up in such way as the company by extraordinary resolution directs.

(2) After five years from the dissolution of the company no responsibility shall rest on the company, or the liquidators, or any person to whom the custody of the books and papers has

been committed, by reason of the same not being forthcoming to any person claiming to be interested therein.

Power of court to declare dissolution of company void.

223.—(1) Where a company has been dissolved, the court may at any time within two years of the date of the dissolution, on an application being made for the purpose by the liquidator of the company or by any other person who appears to the court to be interested, make an order, upon such terms as the court thinks fit, declaring the dissolution to have been void, and thereupon such proceedings may be taken as might have been taken if the company had not been dissolved.

(2) It shall be the duty of the person on whose application the order was made, within seven days after the making of the order, to file with the registrar of companies an office copy of the order, and if that person fails so to do he shall be liable to a fine not exceeding five pounds for every day during which the default continues.

Information as to pending liquidations in England

224.—(1) Where a company is being wound up in England, if the winding up is not concluded within one year after its commencement, the liquidator shall, at such intervals as may be prescribed, until the winding up is concluded, send to the registrar of companies a statement in the prescribed form and containing the prescribed particulars with respect to the proceedings in and position of the liquidation.

(2) Any person stating himself in writing to be a creditor or contributory of the company shall be entitled, by himself or by his agent, at all reasonable times, on payment of the prescribed fee, to inspect the statement, and to receive a copy thereof or extract therefrom; but any person untruthfully so stating himself to be a creditor or contributory shall be guilty of a contempt of court, and shall be punishable accordingly on the application of the liquidator or of the official receiver.

(3) If a liquidator fails to comply with the requirements of this section he shall be liable to a fine not exceeding fifty pounds for each day during which the default continues.

(4) If it appears from any such statement or otherwise that a liquidator has in his hands or under his control any money representing unclaimed or undistributed assets of the company which have remained unclaimed or undistributed for six months after the date of their receipt, the liquidator shall forthwith pay the same to the Companies Liquidation Account at the Bank of England, and shall be entitled to the prescribed certificate of receipt for the money so paid, and that certificate shall be an effectual discharge to him in respect thereof.

(5) For the purpose of ascertaining and getting in any money payable into the Bank of England in pursuance of this section, the like powers may be exercised, and by the like authority, as are exerciseable under section one hundred and sixty-two of the Bankruptcy Act, 1883, for the purpose of ascertaining and getting in the sums, funds, and dividends referred to in that section. 46 & 47 Vict. c. 52.

(6) Any person claiming to be entitled to any money paid into the Bank of England in pursuance of this section may apply to the Board of Trade for payment of the same, and the Board may, on a certificate by the liquidator that the person claiming is entitled, make an order for the payment to that person of the sum due.

(7) Any person dissatisfied with the decision of the Board of Trade in respect of any claim made in pursuance of this section may appeal to the High Court.

Judicial notice of signature of officers.

225. In all proceedings under this Part of this Act, all courts, judges, and persons judicially acting, and all officers, judicial or ministerial, of any court, or employed in enforcing the process of any court, shall take judicial notice of the signature of any officer of the High Court in England or Ireland, or of the Court of Session in Scotland, or of the registrar of the court exercising the stannaries jurisdiction, and also of the official seal or stamp of the several offices of the High Court in England or Ireland, Court of Session, or court exercising the stannaries jurisdiction, appended to or impressed on any document made, issued, or signed under the provisions of this Part of this Act, or any official copy thereof.

Special commission for receiving evidence.

226.—(1) The judges of the county courts in England who sit at places more than twenty miles from the General Post Office, and the judge exercising the bankruptcy jurisdiction of the High Court in Ireland and the assistant barristers and recorders in Ireland, and the sheriffs of counties in Scotland, shall be commissioners for the purpose of taking evidence under this Act, where a company is wound up in any part of the United Kingdom, and the court may refer the whole or any part of the examination of any witnesses under this Act to any person hereby appointed commissioner, although he is out of the jurisdiction of the court that made the winding-up order.

(2) Every commissioner shall, in addition to any powers which he might lawfully exercise as a judge of a county court, judge of the High Court, assistant barrister or recorder, or sheriff, have in the matter so referred to him all the same powers of summoning and examining witnesses, of requiring the production or delivery of documents, of punishing defaults by witnesses, and of allowing costs and expenses to witnesses, as the court which made the winding-up order.

(3) The examination so taken shall be returned or reported to the court which made the order in such manner as that court directs.

Court may order examination of persons in Scotland.

227.—(1) The court may direct the examination in Scotland of any person for the time being in Scotland, whether a contributory of the company or not, in regard to the trade, dealings, affairs, or property of any company in course of being wound up, or of any person being a contributory of the company, so far as the company may be interested therein by reason of his being a

contributory; and the order or commission to take the examination shall be directed to the sheriff of the county in which the person to be examined is residing or happens to be for the time; and the sheriff shall summon that person to appear before him at a time and place to be specified in the summons for examination on oath as a witness or as a haver, and to produce any books or papers called for which are in his possession or power.

(2) The sheriff may take the examination either orally or on written interrogatories, and shall report the same in writing in the usual form to the court; and shall transmit with the report the books and papers produced, if the originals thereof are required and specified by the order or commission, or otherwise copies thereof or extracts therefrom authenticated by the sheriff.

(3) If any person so summoned fails to appear at the time and place specified, or refuses to be examined or to make the production required, the sheriff shall proceed against him as a witness or haver duly cited and failing to appear or refusing to give evidence or make production may be proceeded against by the law of Scotland.

(4) The sheriff shall be entitled to such and the like fees, and the witness shall be entitled to such and the like allowances, as sheriffs when acting as commissioners under appointment from the Court of Session and as witnesses and havers are entitled to in the like cases according to the law and practice of Scotland.

(5) If any objection is stated to the sheriff by the witness, either on the ground of his incompetency as a witness, or as to the production required, or on any other ground, the sheriff may, if he thinks fit, report the objection to the court, and suspend the examination of the witness until it has been disposed of by the court.

Affidavits, &c. in United Kingdom and colonies.

228.—(1) Any affidavit required to be sworn under the provisions or for the purposes of this Part of this Act may be sworn in Great Britain or Ireland, or elsewhere within the dominions of His Majesty, before any court, judge, or person lawfully authorised to take and receive affidavits or before any of His Majesty's consuls or vice-consuls in any place outside His Majesty's dominions.

(2) All courts, judges, justices, commissioners, and persons acting judicially shall take judicial notice of the seal or stamp or signature (as the case may be) of any such court, judge, person, consul, or vice-consul attached, appended, or subscribed to any such affidavit, or to any other document to be used for the purposes of this Part of this Act.

Companies Liquidation Account defined.

229.—(1) An account, called the Companies Liquidation Account, shall be kept by the Board of Trade with the Bank of England, and all moneys received by the Board in respect of proceedings under this Act in connexion with the winding up of companies in England shall be paid to that account.

(2) All payments out of money standing to the credit of the Board of Trade in the Companies Liquidation Account shall be made by the Bank of England in the prescribed manner.

Investment of surplus funds on general account.

230.—(1) Whenever the cash balance standing to the credit of the Companies Liquidation Account is in excess of the amount which in the opinion of the Board of Trade is required for the time being to answer demands in respect of companies' estates, the Board shall notify the excess to the Treasury, and shall pay over the whole or any part of that excess as the Treasury may require, to the Treasury, to such account as the Treasury may direct, and the Treasury may invest the sums paid over, or any part thereof, in Government securities, to be placed to the credit of the said account.

(2) When any part of the money so invested is, in the opinion of the Board of Trade, required to answer any demands in respect of companies' estates, the Board shall notify to the Treasury the amount so required, and the Treasury shall thereupon repay to the Board such sum as may be required to the credit of the Companies Liquidation Account, and for that purpose may direct the sale of such part of the said securities as may be necessary.

(3) The dividends on investments under this section shall be paid to such account as the Treasury may direct, and regard shall be had to the amount thus derived in fixing the fees payable in respect of proceedings in the winding up of companies in England.

Separate accounts of particular estates.

231.—(1) An account shall be kept by the Board of Trade of the receipts and payments in the winding up of each company in England, and, when the cash balance standing to the credit of the account of any company is in excess of the amount which, in the opinion of the committee of inspection, is required for the time being to answer demands in respect of that company's estate, the Board shall, on the request of the committee, invest the amount not so required in Government securities, to be placed to the credit of the said account for the benefit of the company.

(2) When any part of the money so invested is, in the opinion of the committee of inspection, required to answer any demands in respect of the estate of the company, the Board of Trade shall, on the request of the committee, raise such sum as may be required by the sale of such part of the said securities as may be necessary.

(3) The dividends on investments under this section shall be paid to the credit of the company.

(4) When the balance at the credit of any company's account in the hands of the Board of Trade exceeds two thousand pounds, and the liquidator gives notice to the Board that the excess is not required for the purposes of the liquidation, the company shall be entitled to interest on the excess at the rate of two per cent. per annum.

Certain receipts and fees to be applied in aid of expenditure.

232. The Treasury may issue to the Board of Trade in aid of the votes of Parliament, out of the receipts arising in respect of the winding up of companies in England from fees, fee stamps, and dividends on investments by the Treasury under this Act, any sums which may be necessary to meet the charges estimated by the Board in respect of salaries and expenses under this Act in relation to the winding up of companies in England.

Officers and remuneration.

233.—(1) The Board of Trade may, with the approval of the Treasury, appoint such additional officers as may be required by the Board for the execution as respects England of this Part of this Act, and may remove any person so appointed.

(2) The Board of Trade, with the concurrence of the Treasury, shall direct whether any and what remuneration is to be allowed to any officer of, or person attached to, the Board performing any duties under this Part of this Act in relation to the winding up of companies in England, and may vary, increase, or diminish that remuneration as they think fit.

(3) The Lord Chancellor, with the concurrence of the Treasury, shall direct whether any and what remuneration is to be allowed to any person (other than an officer of the Board of Trade) performing any duties under this Act in relation to the winding up of companies in England, and may vary, increase, or diminish that remuneration as he thinks fit.

Annual accounts of English winding up.

38 & 39 Vict. c. 77.

234.—(1) The Treasury shall annually cause to be prepared and laid before both Houses of Parliament an account for the year ending with the thirty-first day of March, showing the receipts and expenditure during that year in respect of proceedings under this Act in relation to the winding up of companies in England, and the provisions of section twenty-eight of the Supreme Court of Judicature Act, 1875, shall apply to the account as if the account had been required by that section.

(2) The accounts of the Board of Trade under this Act in relation to the winding up of companies in England shall be audited in such manner as the Treasury direct, and, for the purpose of the account to be laid before Parliament, the Board shall make such returns and give such information as the Treasury direct.

Returns by officers in English winding up.

235. The officers of the courts acting in the winding up of companies in England shall make to the Board of Trade such returns of the business of their respective courts and offices, at such times and in such manner and form as may be prescribed, and from those returns the Board shall cause books to be prepared which shall, under the regulations of the Board, be open for public information and searches.

Proceedings of Board of Trade.

236.—(1) All documents purporting to be orders or certificates made or issued by the Board of Trade for the purposes of this Act and to be sealed with the seal of the Board, or to be signed by a secretary or assistant secretary of the Board, or any person authorised in that behalf by the President of the Board,

shall be received in evidence and deemed to be such orders or certificates without further proof unless the contrary is shown.

(2) A certificate signed by the President of the Board of Trade that any order made, certificate issued, or act done, is the order, certificate, or act of the Board, shall be conclusive evidence of the fact so certified.

Rules and Fees.

Rules and fees for winding up in England.

237.—(1) The Lord Chancellor may, with the concurrence of the President of the Board of Trade, make general rules for carrying into effect the objects of this Act so far as relates to the winding up of companies in England.

(2) All general rules made under this section shall be laid before Parliament within three weeks after they are made, if Parliament is then sitting, and, if Parliament is not sitting, within three weeks after the beginning of the next session of Parliament, and shall be judicially noticed, and shall have effect as if enacted by this Act.

(3) There shall be paid in respect of proceedings under this Act in relation to the winding up of companies in England such fees as the Lord Chancellor may, with the sanction of the Treasury, direct, and the Treasury may direct by whom and in what manner the same are to be collected and accounted for, and to what account they are to be paid.

(4) All rules made and directions given by the Lord Chancellor under this section shall be adopted by the authority for the time being empowered to make rules for regulating the practice or procedure in the chancery court of the county palatine of Lancaster, but as so adopted shall have effect with the substitution of the words "vice-chancellor" for the word "judge," and of the word "registrar" for the word "master," and of the words "chambers of the registrar" for the words "chambers of the judge" and "judge's chambers," and any directions as to the remuneration to be allowed to officers of that court in respect of proceedings under this Act shall be subject to the sanction of the Chancellor of the Duchy and County Palatine of Lancaster.

(5) The authority having power to make rules or give directions under this section may, by any such rules or directions, repeal, alter, or amend any rules made and directions given by the like authority under the Companies (Winding Up) Act, 1890, which are in force at the commencement of this Act.

53 & 54 Vict. c. 63.

Powers to make rules of procedure.

238.—(1) Subject to the provisions of this Act with respect to rules and fees in relation to the winding up of companies in England, rules of procedure for the purposes of this Act, including rules as to costs and fees, may be made—

(*a*) As regards the High Court in England, by the authority having power to make rules for the Supreme Court in England:

(*b*) As regards the Court of Session, by act of sederunt:

(*c*) As regards the High Court in Ireland, by the authority having power to make rules for the Supreme Court in Ireland:

(*d*) As regards the court exercising the stannaries jurisdiction, by the authority having power to make rules for county courts in England.

(2) The authority having power to make rules under this section may by any such rules repeal, alter, or amend any rules made by the like authority under the Companies Act, 1862, or any Act amending the same, which are in force at the commencement of this Act. 25 & 26 Vict. c. 89.

Special Provisions as to Stannaries.

Attachment of debt due to contributory on winding up in stannaries court.

239. When several companies are in course of liquidation by or under the superintendence of the court exercising the stannaries jurisdiction and acting under that jurisdiction, if it appears to the judge that a person who is a contributory of one of the companies is also a creditor claiming a debt against one of the other companies, the judge may (if after inquiry he thinks fit) direct that the debt, when allowed, shall be attached, and payment thereof to the creditor suspended for a time certain as a security for payment of any calls that are or may in course of liquidation become due from him to the company of which he is a contributory; and the amount thereof shall be applied to such payment in due course:

Provided that such an order of attachment shall not prejudice any claim which the company so indebted to the creditor may have against him by way of set off, counterclaim, or otherwise, or any lawful claim of lien or specific charge on the debt in favour of any third person.

Preferential payments in stannaries cases.

240. In the application to companies within the stannaries of the provisions of this Act with respect to preferential payments, the following modifications shall be made:—

(1) In the case of a clerk or servant of such a company, the priority with respect to wages and salary given by this Act shall be given to the extent of three months only, instead of four months, and shall not extend to the principal agent, manager, purser, or secretary:

(2) All wages in relation to the mine of a miner, artizan, or labourer employed in or about the mine, including all earnings by a miner arising from any description of piece or other work, or as a tributer or otherwise, but not exceeding an amount equal to three months wages, shall be included amongst the payments which are, under this Act, to be made in priority to other debts:

(3) Wages of any miner, artizan, or labourer unpaid at the commencement of the winding up, and, subject to the provisions of section five of the Workmen's Compensation Act, 1906, all amounts (not exceeding in any 6 Edw. 7. c. 58.

individual case one hundred pounds) due in respect of compensation under that Act payable to a miner or the dependants of a miner the liability wherefor accrued before the commencement of the winding-up, shall, to the extent aforesaid, be paid by the liquidator forthwith in priority to all costs, except (in the case of a winding-up by the court) such costs of and incidental to the making of the winding-up order as in the opinion of the court have been properly incurred, and to all claims by mortgagees, execution creditors, or any other persons, except the claims of clerks and servants in respect of their wages or salary, and, subject as aforesaid, the court may, by order, charge the whole or any part of the assets of the company, in priority to all claims and to all existing mortgages or charges thereon, with the payment of a sum sufficient to discharge the said wages and amounts due in respect of compensation, with interest at a rate not exceeding five per cent. per annum, and this charge may be made in favour of any person who is willing to advance the requisite amount or any part thereof; and as soon as the said sum has been so advanced, the said wages and amounts due in respect of compensation shall be paid without delay so far as the amount advanced extends, and in such order of payment as the court directs.

Provisions as to mine club funds.

241.—(1) On the winding up of a company within the stannaries, contributions of the miners, artizans, or labourers for the purpose of a mine club, or accident, or sick, or benefit fund shall not be deemed to be, or be applied as, part of the assets of the company in liquidation of the debts of the company or otherwise, but shall be accounted for by the purser or any other person in possession of the fund to the liquidator, and shall be recoverable by him, and be applied in accordance with the rules of the club.

(2) Where the company is being wound up voluntarily, the liquidator or any person claiming to be entitled to any such contributions or fund may apply to the court for directions, or to determine any question arising in the matter in the same manner as if the company were being wound up by the court.

Removal of Defunct Companies from Register.

Registrar may strike defunct company off register.

242.—(1) Where the registrar of companies has reasonable cause to believe that a company is not carrying on business or in operation, he shall send to the company by post a letter inquiring whether the company is carrying on business or in operation.

(2) If the registrar does not within one month of sending the letter receive any answer thereto, he shall within fourteen days after the expiration of the month send to the company by post a registered letter referring to the first letter, and stating

that no answer thereto has been received, and that if an answer is not received to the second letter within one month from the date thereof, a notice will be published in the Gazette with a view to striking the name of the company off the register.

(3) If the registrar either receives an answer from the company to the effect that it is not carrying on business or in operation, or does not within one month after sending the second letter receive any answer, he may publish in the Gazette, and send to the company by post, a notice that at the expiration of three months from the date of that notice the name of the company mentioned therein will, unless cause is shown to the contrary, be struck off the register and the company will be dissolved.

(4) If, in any case where a company is being wound up, the registrar has reasonable cause to believe either that no liquidator is acting, or that the affairs of the company are fully wound up, and the returns required to be made by the liquidator have not been made for a period of six consecutive months after notice by the registrar demanding the returns has been sent by post to the company, or to the liquidator at his last known place of business, the registrar may publish in the Gazette and send to the company a like notice as is provided in the last preceding subsection.

(5) At the expiration of the time mentioned in the notice the registrar may, unless cause to the contrary is previously shown by the company, strike its name off the register, and shall publish notice thereof in the Gazette, and on the publication in the Gazette of this notice the company shall be dissolved: Provided that the liability (if any) of every director, managing officer, and member of the company shall continue and may be enforced as if the company had not been dissolved.

(6) If a company or any member or creditor thereof feels aggrieved by the company having been struck off the register, the court on the application of the company or member or creditor may, if satisfied that the company was at the time of the striking off carrying on business or in operation, or otherwise that it is just that the company be restored to the register, order the name of the company to be restored to the register, and thereupon the company shall be deemed to have continued in existence as if its name had not been struck off; and the court may by the order give such directions and make such provisions as seem just for placing the company and all other persons in the same position as nearly as may be as if the name of the company had not been struck off.

(7) A letter or notice under this section may be addressed to the company at its registered office, or, if no office has been registered, to the care of some director or officer of the company, or, if there is no director or officer of the company whose name and address are known to the registrar of companies, may be sent to each of the persons who subscribed the memorandum, addressed to him at the address mentioned in the memorandum.

PART V.

REGISTRATION OFFICE AND FEES.

Registration offices in England, Scotland, and Ireland.

243.—(1) For the purposes of the registration of companies under this Act, there shall be offices in England, Scotland, and Ireland, at such places as the Board of Trade think fit.

(2) The Board of Trade may appoint such registrars, assistant registrars, clerks, and servants as the Board think necessary for the registration of companies under this Act, and may make regulations with respect to their duties; and may remove any persons so appointed.

(3) The salaries of the persons appointed under this section shall be fixed by the Board of Trade with the concurrence of the Treasury, and shall be paid out of money provided by Parliament.

(4) The Board of Trade may require that the office of the registrar of the court exercising in respect of the winding up of companies the stannaries jurisdiction shall be one of the offices for the registration of companies within that jurisdiction.

(5) The Board may direct a seal or seals to be prepared for the authentication of documents required for or connected with the registration of companies.

(6) Any person may inspect the documents kept by the registrar on payment of such fees as may be appointed by the Board of Trade, not exceeding one shilling for each inspection; and any person may require a certificate of the incorporation of any company, or a copy or extract of any other document or any part of any other document, to be certified by the registrar, on payment for the certificate, certified copy, or extract, of such fees as the Board of Trade may appoint, not exceeding five shillings for a certificate of incorporation, and not exceeding sixpence for each folio of a certified copy or extract, or in Scotland for each sheet of two hundred words.

(7) A copy of or extract from any document kept and registered at any of the offices for the registration of companies in England, Scotland, or Ireland, certified to be a true copy under the hand of the registrar or an assistant registrar (whose official position it shall not be necessary to prove) shall in all legal proceedings be admissible in evidence as of equal validity with the original document.

(8) Whenever any act is by this Act directed to be done to or by the registrar of companies, it shall, until the Board of Trade otherwise directs, be done in England to or by the existing registrar of joint stock companies, or in his absence to or by such person as the Board may for the time being authorise; in Scotland to or by the existing registrar of joint stock companies in Scotland; and in Ireland to or by the existing assistant registrar of joint stock companies for Ireland, or to or by such person as the Board may for the time being authorise in Scotland or Ireland, in the absence of the registrar or assistant

registrar; but, in the event of the Board altering the constitution of the existing registry offices or any of them, any such act shall be done to or by such officer and at such place with reference to the local situation of the registered offices of the companies to be registered as the Board may appoint.

Fees.

244.—(1) There shall be paid to the registrar in respect of the several matters mentioned in Table B. in the First Schedule to this Act the several fees therein specified, or such smaller fees as the Board of Trade may from time to time direct.

(2) All fees paid to the registrar in pursuance of this Act shall be paid into the Exchequer.

Part VI.

Application of Act to Companies formed and registered under former Companies Acts.

Application of Act to companies formed under former Companies Acts.

245. In the application of this Act to existing companies, it shall apply in the same manner in the case of a limited company, other than a company limited by guarantee, as if the company had been formed and registered under this Act as a company limited by shares; in the case of a company limited by guarantee, as if the company had been formed and registered under this Act as a company limited by guarantee; and in the case of a company other than a limited company, as if the company had been formed and registered under this Act as an unlimited company:

Provided that reference, express or implied, to the date of registration shall be construed as a reference to the date at which the company was registered under the Joint Stock Companies Acts, or under the Companies Act, 1862, as the case may be.

Application of Act to companies registered under former Companies Acts.

246. This Act shall apply to every company registered but not formed under the Joint Stock Companies Acts, or the Companies Act, 1862, in the same manner as it is herein-after in this Act declared to apply to companies registered but not formed under this Act:

Provided that reference, express or implied, to the date of registration shall be construed as a reference to the date at which the company was registered under the Joint Stock Companies Acts, or the Companies Act, 1862, as the case may be.

Application of Act to companies re-registered under Companies Act, 1879. 42 & 43 Vict. c. 76.

247. This Act shall apply to every unlimited company registered in pursuance of the Companies Act, 1879, as a limited company, in the same manner as it applies to an unlimited company registered in pursuance of this Act as a limited company:

Provided that reference, express or implied, to the date of registration shall be construed as a reference to the date at

which the company was registered as a limited company under the Companies Act, 1879.

Mode of transferring shares.

248. A company registered under the Joint Stock Companies Acts may cause its shares to be transferred in manner hitherto in use, or in such other manner as the company may direct.

PART VII.

COMPANIES AUTHORISED TO REGISTER UNDER THIS ACT.

Companies capable of being registered.

249.—(1) With the exceptions and subject to the provisions mentioned and contained in this section,—

(i) any company consisting of seven or more members, which was in existence on the second day of November eighteen hundred and sixty-two, including any company registered under the Joint Stock Companies Acts; and

(ii) any company formed after the date aforesaid, whether before or after the commencement of this Act, in pursuance of any Act of Parliament other than this Act, or of letters patent, or being a company within the stannaries, or being otherwise duly constituted by law, and consisting of seven or more members;

may at any time register under this Act as an unlimited company, or as a company limited by shares, or as a company limited by guarantee; and the registration shall not be invalid by reason that it has taken place with a view to the company being wound up.

(2) Provided as follows:—

(*a*) A company having the liability of its members limited by Act of Parliament or letters patent, and not being a joint stock company as herein-after defined, shall not register in pursuance of this section:

(*b*) A company having the liability of its members limited by Act of Parliament or letters patent shall not register in pursuance of this section as an unlimited company or as a company limited by guarantee:

(*c*) A company that is not a joint stock company as herein-after defined shall not register in pursuance of this section as a company limited by shares:

(*d*) A company shall not register in pursuance of this section without the assent of a majority of such of its members as are present in person or by proxy (in cases where proxies are allowed by the regulations of the company) at a general meeting summoned for the purpose:

(*e*) Where a company not having the liability of its members limited by Act of Parliament or letters patent is about to register as a limited company, the majority required to assent as aforesaid shall

consist of not less than three-fourths of the members present in person or by proxy at the meeting:

(*f*) Where a company is about to register as a company limited by guarantee, the assent to its being so registered shall be accompanied by a resolution declaring that each member undertakes to contribute to the assets of the company, in the event of its being wound up while he is a member, or within one year afterwards, for payment of the debts and liabilities of the company contracted before he ceased to be a member, and of the costs and expenses of winding up, and for the adjustment of the rights of the contributories among themselves, such amount as may be required, not exceeding a specified amount.

(3) In computing any majority under this section when a poll is demanded regard shall be had to the number of votes to which each member is entitled according to the regulations of the company.

(4) A company registered under the Companies Act, 1862, shall not be registered in pursuance of this section.

Definition of joint stock company

250. For the purposes of this Part of this Act, as far as relates to registration of companies as companies limited by shares, a joint stock company means a company having a permanent paid-up or nominal share capital of fixed amount divided into shares, also of fixed amount, or held and transferable as stock, or divided and held partly in one way and partly in the other, and formed on the principle of having for its members the holders of those shares or that stock, and no other persons; and such a company when registered with limited liability under this Act shall be deemed to be a company limited by shares.

Liability of bank of issue unlimited in respect of notes.

251.—(1) A bank of issue registered under this Act as a limited company shall not be entitled to limited liability in respect of its notes; and the members thereof shall be liable in respect of its notes in the same manner as if it had been registered as unlimited; but if, in the event of the company being wound up, the general assets are insufficient to satisfy the claims of both the note-holders and the general creditors, then the members, after satisfying the remaining demands of the note-holders, shall be liable to contribute towards payment of the debts of the general creditors a sum equal to the amount received by the note-holders out of the general assets.

(2) For the purposes of this section the expression "the general assets" means the funds available for payment of the general creditor as well as the note-holder.

(3) Any bank of issue registered under this Act as a limited company may state on its notes that the limited liability does not extend to its notes, and that the members of the company

are liable in respect of its notes in the same manner as if it had been registered as an unlimited company.

Requirements for registration by joint stock companies.

252. Before the registration in pursuance of this Part of this Act of a joint stock company there shall be delivered to the registrar the following documents (that is to say) :—

(1) A list showing the names, addresses, and occupations of all persons who on a day named in the list, not being more than six clear days before the day of registration, were members of the company, with the addition of the shares or stock held by them respectively, distinguishing, in cases where the shares are numbered, each share by its number;

(2) A copy of any Act of Parliament, royal charter, letters patent, deed of settlement, contract of copartnery, cost book regulations, or other instrument constituting or regulating the company; and

(3) If the company is intended to be registered as a limited company, a statement specifying the following particulars (that is to say) :—

(*a*) The nominal share capital of the company and the number of shares into which it is divided, or the amount of stock of which it consists;

(*b*) The number of shares taken and the amount paid on each share;

(*c*) The name of the company, with the addition of the word "limited" as the last word thereof; and

(*d*) In the case of a company intended to be registered as a company limited by guarantee, the resolution declaring the amount of the guarantee.

Requirements for registration by other than joint stock companies.

253. Before the registration in pursuance of this Part of this Act of any company not being a joint stock company, there shall be delivered to the registrar—

(1) A list showing the names, addresses, and occupations of the directors or other managers (if any) of the company; and

(2) A copy of any Act of Parliament, letters patent, deed of settlement, contract of copartnery, cost book regulations, or other instrument constituting or regulating the company; and

(3) In the case of a company intended to be registered as a company limited by guarantee, a copy of the resolution declaring the amount of the guarantee.

Authentication of statements of existing companies.

254. The lists of members and directors and any other particulars relating to the company required to be delivered to the registrar shall be verified by a statutory declaration of any two or more directors or other principal officers of the company.

Registrar may require evidence as to nature of company.

255. The registrar may require such evidence as he thinks necessary for the purpose of satisfying himself whether any

company proposing to be registered is or is not a joint stock company as hereinbefore defined.

On registration of banking company with limited liability, notice to be given to customers.

256.—(1) Where a banking company which was in existence on the seventh day of August eighteen hundred and sixty-two proposes to register as a limited company, it shall, at least thirty days before so registering, give notice of its intention so to register to every person who has a banking account with the company, either by delivery of the notice to him, or by posting it to him at, or delivering it at, his last known address.

(2) If the company omits to give the notice required by this section, then as between the company and the person for the time being interested in the account in respect of which the notice ought to have been given, and so far as respects the account down to the time at which notice is given, but not further or otherwise, the certificate of registration with limited liability shall have no operation.

Exemption of certain companies from payment of fees.

257. No fees shall be charged in respect of the registration in pursuance of this Part of this Act of a company if it is not registered as a limited company, or if before its registration as a limited company the liability of the shareholders was limited by some other Act of Parliament or by letters patent.

Addition of "limited" to name.

258. When a company registers in pursuance of this Part of this Act with limited liability, the word "limited" shall form and be registered as part of its name.

Certificate of registration of existing companies.

259. On compliance with the requirements of this Part of this Act with respect to registration, and on payment of such fees, if any, as are payable under Table B. in the First Schedule to this Act, the registrar shall certify under his hand that the company applying for registration is incorporated as a company under this Act, and in the case of a limited company that it is limited, and thereupon the company shall be incorporated, and shall have perpetual succession and a common seal, with power to hold lands; and any banking company in Scotland so incorporated shall be deemed to be a bank incorporated, constituted, or established by or under Act of Parliament.

Vesting of property on registration.

260. All property, real and personal (including things in action), belonging to or vested in a company at the date of its registration in pursuance of this part of this Act, shall on registration pass to and vest in the company as incorporated under this Act for all the estate and interest of the company therein.

Saving for existing liabilities.

261. Registration of a company in pursuance of this Part of this Act shall not affect the rights or liabilities of the company in respect of any debt or obligation incurred, or any contract entered into, by, to, with, or on behalf of, the company before registration.

Continuation of existing actions.

262. All actions and other legal proceedings which at the time of the registration of a company in pursuance of this Part

of this Act are pending by or against the company, or the public officer or any member thereof, may be continued in the same manner as if the registration had not taken place; nevertheless execution shall not issue against the effects of any individual member of the company on any judgment, decree, or order obtained in any such action or proceeding; but, in the event of the property and effects of the company being insufficient to satisfy the judgment, decree, or order, an order may be obtained for winding up the company.

Effect of registration under Act.

263. When a company is registered in pursuance of this Part of this Act—

(i) All provisions contained in any Act of Parliament, deed of settlement, contract of copartnery, cost book regulations, letters patent, or other instrument constituting or regulating the company, including, in the case of a company registered as a company limited by guarantee, the resolution declaring the amount of the guarantee, shall be deemed to be conditions and regulations of the company, in the same manner and with the same incidents as if so much thereof as would, if the company had been formed under this Act, have been required to be inserted in the memorandum, were contained in a registered memorandum, and the residue thereof were contained in registered articles:

(ii) All the provisions of this Act shall apply to the company, and the members, contributories, and creditors thereof, in the same manner in all respects as if it had been formed under this Act, subject as follows (that is to say):—

(*a*) The regulations in Table A. in the First Schedule to this Act shall not apply unless adopted by special resolution;

(*b*) The provisions of this Act relating to the numbering of shares shall not apply to any joint stock company whose shares are not numbered;

(*c*) Subject to the provisions of this section the company shall not have power to alter any provision contained in any Act of Parliament relating to the company;

(*d*) Subject to the provisions of this section the company shall not have power, without the sanction of the Board of Trade, to alter any provision contained in any letters patent relating to the company;

(*e*) The company shall not have power to alter any provision contained in a royal charter or letters patent with respect to the objects of the company;

(*f*) In the event of the company being wound up, every person shall be a contributory, in respect of the debts and liabilities of the company contracted before registration, who is liable to pay or

contribute to the payment of any debt or liability of the company contracted before registration, or to pay or contribute to the payment of any sum for the adjustment of the rights of the members among themselves in respect of any such debt or liability; or to pay or contribute to the payment of the costs and expenses of winding up the company, so far as relates to such debts or liabilities as aforesaid; and every contributory shall be liable to contribute to the assets of the company, in the course of the winding up, all sums due from him in respect of any such liability as aforesaid; and, in the event of the death, bankruptcy, or insolvency, of any contributory, or marriage of any female contributory, the provisions of this Act with respect to the personal representatives, heirs, and devisees of deceased contributories, to the trustees of bankrupt or insolvent contributories, and to the liabilities of husbands and wives respectively, shall apply:

(iii) The provisions of this Act with respect to—

(*a*) the registration of an unlimited company as limited;

(*b*) the powers of an unlimited company on registration as a limited company to increase the nominal amount of its share capital and to provide that a portion of its share capital shall not be capable of being called up except in the event of winding up;

(*c*) the power of a limited company to determine that a portion of its share capital shall not be capable of being called up except in the event of winding up;

shall apply notwithstanding any provisions contained in any Act of Parliament, royal charter, deed of settlement, contract of copartnery, cost book regulations, letters patent, or other instrument constituting or regulating the company:

(iv) Nothing in this section shall authorise the company to alter any such provisions contained in any deed of settlement, contract of copartnery, cost book regulations, letters patent, or other instrument constituting or regulating the company, as would, if the company had originally been formed under this Act, have been required to be contained in the memorandum and are not authorised to be altered by this Act:

(v) Nothing in this Act shall derogate from any power of altering its constitution or regulations which may by virtue of any Act of Parliament, deed of settlement, contract of copartnery, letters patent, or other instrument constituting or regulating the company, be vested in the company.

Power to substitute memorandum and articles for deed of settlement.

264.—(1) Subject to the provisions of this section, a company registered in pursuance of this Part of this Act may by special resolution alter the form of its constitution by substituting a memorandum and articles for a deed of settlement.

(2) The provisions of this Act with respect to confirmation by the court and registration of an alteration of the objects of a company shall so far as applicable apply to an alteration under this section with the following modifications :—

(*a*) There shall be substituted for the printed copy of the altered memorandum required to be delivered to the registrar of companies a printed copy of the substituted memorandum and articles; and

(*b*) On the registration of the alteration being certified by the registrar the substituted memorandum and articles shall apply to the company in the same manner as if it were a company registered under this Act with that memorandum and those articles, and the company's deed of settlement shall cease to apply to the company.

(3) An alteration under this section may be made either with or without any alteration of the objects of the company under this Act.

(4) In this section the expression "deed of settlement" includes any contract of copartnery or other instrument constituting or regulating the company, not being an Act of Parliament, a royal charter, or letters patent.

Power of court to stay or restrain proceedings.

265. The provisions of this Act with respect to staying and restraining actions and proceedings against a company at any time after the presentation of a petition for winding up and before the making of a winding-up order shall, in the case of a company registered in pursuance of this Part of this Act, where the application to stay or restrain is by a creditor, extend to actions and proceedings against any contributory of the company.

Actions stayed on winding-up order.

266. Where an order has been made for winding up a company registered in pursuance of this Part of this Act no action or proceeding shall be commenced or proceeded with against the company or any contributory of the company in respect of any debt of the company, except by leave of the court, and subject to such terms as the court may impose.

PART VIII.

WINDING UP OF UNREGISTERED COMPANIES.

Meaning of unregistered company.

13 & 14 Vict. c. 83.
32 & 33 Vict. c. 114.

267. For the purposes of this Part of this Act the expression "unregistered company" shall not include a railway company incorporated by Act of Parliament (except in so far as is provided by the Abandonment of Railways Act, 1850, and the Abandonment of Railways Act, 1869, and any Acts amending them), nor a company registered under the Joint Stock Com-

panies Acts, or under the Companies Act, 1862, or under this Act, but, save as aforesaid, shall include any partnership, association, or company consisting of more than seven members, and any trustee savings bank certified under the Trustees Savings Banks Act, 1863, and any limited partnership. 26 & 27 Vict. c. 87.

Winding up of unregistered companies.

268.—(1) Subject to the provisions of this Part of this Act, any unregistered company may be wound up under this Act, and all the provisions of this Act with respect to winding up shall apply to an unregistered company, with the following exceptions and additions:—

(i) An unregistered company shall, for the purpose of determining the court having jurisdiction in the matter of the winding up, be deemed to be registered in that part of the United Kingdom where its principal place of business is situate; or if it has a principal place of business situate in more than one part of the United Kingdom, then in each part of the United Kingdom where it has a principal place of business; and the principal place of business situate in that part of the United Kingdom in which proceedings are being instituted shall, for all the purposes of the winding up, be deemed to be the registered office of the company:

(ii) No unregistered company shall be wound up under this Act voluntarily or subject to supervision:

(iii) The circumstances in which an unregistered company may be wound up are as follows (that is to say):—

(*a*) If the company is dissolved, or has ceased to carry on business, or is carrying on business only for the purpose of winding up its affairs;

(*b*) If the company is unable to pay its debts;

(*c*) If the court is of opinion that it is just and equitable that the company should be wound up:

(iv) An unregistered company shall, for the purposes of this Act, be deemed to be unable to pay its debts:—

(*a*) If a creditor, by assignment or otherwise, to whom the company is indebted in a sum exceeding fifty pounds then due, has served on the company, by leaving at its principal place of business, or by delivering to the secretary or some director, manager, or principal officer of the company, or by otherwise serving in such manner as the court may approve or direct, a demand under his hand requiring the company to pay the sum so due, and the company has for three weeks after the service of the demand neglected to pay the sum, or to secure or compound for it to the satisfaction of the creditor;

(*b*) If any action or other proceeding has been instituted against any member for any debt or demand due, or claimed to be due, from the company, or from him in his character of member, and notice in writing of the institution of the action or

proceeding having been served on the company by leaving the same at its principal place of business, or by delivering it to the secretary, or some director, manager, or principal officer of the company, or by otherwise serving the same in such manner as the court may approve or direct, the company has not within ten days after service of the notice paid, secured, or compounded for the debt or demand, or procured the action or proceeding to be stayed, or indemnified the defendant to his reasonable satisfaction against the action or proceeding, and against all costs, damages, and expenses to be incurred by him by reason of the same ;

(*c*) If in England or Ireland execution or other process issued on a judgment, decree, or order obtained in any court in favour of a creditor against the company, or any member thereof as such, or any person authorised to be sued as nominal defendant on behalf of the company, is returned unsatisfied ;

(*d*) If in Scotland the induciæ of a charge for payment on an extract decree, or an extract registered bond, or an extract registered protest, have expired without payment being made ;

(*e*) If it is otherwise proved to the satisfaction of the court that the company is unable to pay its debts :

(v) The court having jurisdiction to wind up a railway company under the Abandonment of Railways Act, 1850, and the Abandonment of Railways Act, 1869, and the Acts amending them, shall be the High Court in England or Ireland, or the Court of Session in Scotland, according as the railway was authorised to be made in England, Ireland, or Scotland, and the special provisions of those Acts shall apply to the winding up with the substitution of references to this Act for references to the Companies Acts, 1862 and 1867 :

Provided that, subject to general rules and to orders of transfer made, as respects England, under the authority of the Supreme Court of Judicature Act, 1873, and, as respects Ireland, under the authority of the Supreme Court of Judicature (Ireland) Act, 1877, the jurisdiction of the High Court in England or Ireland under this provision shall be exercised by the Chancery Division of that Court :

36 & 37 Vict. c. 66.

40 & 41 Vict. c. 57.

(vi) A petition for winding up a trustee savings bank may be presented by the National Debt Commissioners, or by a commissioner appointed under the Trustee Savings Banks Act, 1887, as well as by any person authorised under the other provisions of this Act to present a petition for winding up a company :

50 & 51 Vict. c. 47.

(vii) In the case of a limited partnership the provisions of this Act with respect to winding up shall apply with such modications (if any) as may be provided by rules made by the Lord Chancellor with the concurrence of the President of the Board of Trade, and with the substitution of general partners for directors.

(2) Nothing in this Part of this Act shall affect the operation of any enactment which provides for any partnership, association, or company, being wound up, or being wound up as a company or as an unregistered company, under any enactment repealed by this Act, except that references in any such first-mentioned enactment to any such repealed enactment shall be read as references to the corresponding provision (if any) of this Act.

Contributories in winding up of unregistered company.

269.—(1) In the event of an unregistered company being wound up every person shall be deemed to be a contributory who is liable to pay or contribute to the payment of any debt or liability of the company, or to pay or contribute to the payment of any sum for the adjustment of the rights of the members among themselves, or to pay or contribute to the payment of the costs and expenses of winding up the company, and every contributory shall be liable to contribute to the assets of the company all sums due from him in respect of any such liability as aforesaid:

Provided that, in the case of an unregistered company within the stannaries, a past member shall not be liable to contribute to the assets of the company if he has ceased to be a member for two years or more either before the mine ceased to be worked or before the date of the winding-up order.

(2) In the event of the death, bankruptcy, or insolvency, of any contributory, or marriage of any female contributory, the provisions of this Act with respect to the personal representatives, heirs, and devisees of deceased contributories, to the trustees of bankrupt or insolvent contributories, and to the liabilities of husbands and wives respectively, shall apply.

Power of court to stay or restrain proceedings.

270. The provisions of this Act with respect to staying and restraining actions and proceedings against a company at any time after the presentation of a petition for winding up and before the making of a winding-up order shall, in the case of an unregistered company, where the application to stay or restrain is by a creditor, extend to actions and proceedings against any contributory of the company.

Actions stayed on winding-up order.

271. Where an order has been made for winding up an unregistered company, no action or proceeding shall be proceeded with or commenced against any contributory of the company in respect of any debt of the company, except by leave of the court, and subject to such terms as the court may impose.

Directions as to property in certain cases.

272. If an unregistered company has no power to sue and be sued in a common name, or if for any reason it appears expedient, the court may by the winding-up order, or by any subsequent order, direct that all or any part of the property, real

and personal (including things in action), belonging to the company, or to trustees on its behalf, is to vest in the liquidator by his official name, and thereupon the property or the part thereof specified in the order shall vest accordingly; and the liquidator may, after giving such indemnity (if any) as the court may direct, bring or defend in his official name any action or other legal proceeding relating to that property, or necessary to be brought or defended for the purposes of effectually winding up the company and recovering its property.

Provisions of Part of Act cumulative.

273. The provisions of this Part of this Act with respect to unregistered companies shall be in addition to and not in restriction of any provisions herein-before in this Act contained with respect to winding up companies by the court, and the court or liquidator may exercise any powers or do any act in the case of unregistered companies which might be exercised or done by it or him in winding up companies formed and registered under this Act; but an unregistered company shall not, except in the event of its being wound up, be deemed to be a company under this Act, and then only to the extent provided by this Part of this Act.

PART IX.

COMPANIES ESTABLISHED OUTSIDE THE UNITED KINGDOM.

Requirements as to companies established outside the United Kingdom.

274.—(1) Every company incorporated outside the United Kingdom which establishes a place of business within the United Kingdom shall within one month from the establishment of the place of business file with the registrar of companies—

(*a*) a certified copy of the charter, statutes, or memorandum and articles of the company, or other instrument constituting or defining the constitution of the company, and, if the instrument is not written in the English language, a certified translation thereof;

(*b*) a list of the directors of the company;

(*c*) the names and addresses of some one or more persons resident in the United Kingdom authorised to accept on behalf of the company service of process and any notices required to be served on the company;

and, in the event of any alteration being made in any such instrument or in the directors or in the names or addresses of any such persons as aforesaid, the company shall within the prescribed time file with the registrar a notice of the alteration.

(2) Any process or notice required to be served on the company shall be sufficiently served if addressed to any person whose name has been so filed as aforesaid and left at or sent by post to the address which has been so filed.

(3) Every company to which this section applies shall in every year file with the registrar such a statement in the form of a balance sheet as would, if it were a company formed and registered under this Act and having a share capital, be required under this Act to be included in the annual summary.

(4) Every company to which this section applies, and which uses the word "Limited" as part of its name, shall—

(*a*) in every prospectus inviting subscriptions for its shares or debentures in the United Kingdom state the country in which the company is incorporated; and

(*b*) conspicuously exhibit on every place where it carries on business in the United Kingdom the name of the company and the country in which the company is incorporated; and

(*c*) have the name of the company and of the country in which the company is incorporated mentioned in legible characters in all bill-heads and letter paper, and in all notices, advertisements, and other official publications of the company.

(5) If any company to which this section applies fails to comply with any of the requirements of this section the company, and every officer or agent of the company, shall be liable to a fine not exceeding fifty pounds, or, in the case of a continuing offence, five pounds for every day during which the default continues.

(6) For the purposes of this section—

The expression "certified" means certified in the prescribed manner to be a true copy or a correct translation;

The expression "place of business" includes a share transfer or share registration office;

The expression "director" includes any person occupying the position of director, by whatever name called; and

The expression "prospectus" means any prospectus, notice, circular, advertisement, or other invitation, offering to the public for subscription or purchase any shares or debentures of the company.

(7) There shall be paid to the registrar for registering any document required by this section to be filed with him a fee of five shillings or such smaller fee as may be prescribed.

Power of companies incorporated in British possessions to hold lands.

275. A company incorporated in a British possession which has filed with the registrar of companies the documents and particulars specified in paragraphs (*a*), (*b*), and (*c*) of subsection (1) of the last foregoing section shall have the same power to hold lands in the United Kingdom as if it were a company incorporated under this Act.

Part X.

Supplemental.

Legal Proceedings, Offences, &c.

Prosecution of offences.

276.—(1) All offences under this Act made punishable by any fine may be prosecuted under the Summary Jurisdiction Acts.

(2) In Scotland all prosecutions for offences or fines under the provisions of this Act relating to—

(*a*) the appointment of directors;

(*b*) the restrictions on commencement of business by a company;

(*c*) returns as to allotments;

(*d*) false statements in respect of which a penalty is provided by this Part of this Act;

(*e*) the filing of copies of a prospectus, an order revoking the dissolution, or an order sanctioning the reorganisation of the share capital of a company;

(*f*) the filing of notice of appointment of a liquidator or of the accounts of a receiver or manager;

(*g*) general meetings;

(*h*) companies established outside the United Kingdom;

(*i*) the issue of debentures and certificates of shares and debenture stock;

(*j*) the issue, circulation, and publication of balance sheets;

(*k*) unqualified persons acting as directors;

(*l*) the inspection of registers of debenture holders and the furnishing of copies of trust deeds;

shall be at the instance of the Lord Advocate or a procurator fiscal as the Lord Advocate may direct.

Applications of fines.

277. The court imposing any fine under this Act may direct that the whole or any part thereof be applied in or towards payment of the costs of the proceedings, or in or towards the rewarding the person on whose information or at whose suit the fine is recovered, and subject to any such direction all fines under this Act shall, notwithstanding anything in any other Act, be paid into the Exchequer.

Costs in actions by certain limited companies.

278. Where a limited company is plaintiff or pursuer in any action or other legal proceeding, any judge having jurisdiction in the matter may, if it appears by credible testimony that there is reason to believe that the company will be unable to pay the costs of the defendant if successful in his defence, require sufficient security to be given for those costs, and may stay all proceedings until the security is given.

Power of court to grant relief in certain cases.

279. If in any proceeding against a director, or person occupying the position of director, of a company for negligence or breach of trust it appears to the court hearing the case that the director or person is or may be liable in respect of the negligence or breach of trust, but has acted honestly and reasonably, and ought fairly to be excused for the negligence or breach of trust, that court may relieve him, either wholly or partly, from his liability on such terms as the court may think proper.

Jurisdiction of stannaries court.

280.—(1) In the case of a company subject to the stannaries jurisdiction, the court exercising the stannaries jurisdiction shall have and exercise the like jurisdiction and powers, as well on the common law as on the equity side thereof, as the Court of the Vice-Warden of the stannaries possessed before the commencement of the Stannaries Court (Abolition) Act, 1896, by custom, usage, or statute in the case of unincorporated companies, but only so far as is consistent with the provisions of this Act and with the constitution of companies as prescribed or required by this Act. 59 & 60 Vict. c. 45.

(2) For the purpose of giving fuller effect to that jurisdiction, all process issuing out of the said court, and all orders, rules, demands, notices, warrants, and summonses required or authorised by the practice of the court to be served on any company, whether registered or not registered, or on any member or contributory thereof, or on any officer, agent, director, manager, or servant thereof, may be served in any part of England without any special order of the judge for that purpose, or by such special order may be served in any part of the British Islands, on such terms and conditions as the court may think fit:

Provided that no such service of process out of the limits of the stannaries in any suit or plaint on the common law side of the court shall be effected without the special order of the judge made on a statement of the nature and object of the suit or plaint.

(3) All decrees, orders, and judgments of the said court may be enforced in the same manner in which decrees, orders, and judgments of the Court of the Vice-Warden of the stannaries could before its abolition have been by law enforced, whether within or beyond the stannaries.

Penalty for false statement.

281. If any person in any return, report, certificate, balance sheet, or other document, required by or for the purposes of any of the provisions of this Act specified in the Fifth Schedule hereto, wilfully makes a statement false in any material particular, knowing it to be false, he shall be guilty of a misdemeanour, and shall be liable on conviction on indictment to imprisonment for a term not exceeding two years, with or without hard labour, and on summary conviction to imprisonment for a term not exceeding four months, with or without hard labour, and in either case to a fine in lieu of or in addition to such imprisonment as aforesaid:

Provided that the fine imposed on summary conviction shall not exceed one hundred pounds.

Penalty for improper use of word "Limited."

282. If any person or persons trade or carry on business under any name or title of which "Limited" is the last word, that person or those persons shall, unless duly incorporated with limited liability, be liable to a fine not exceeding five pounds for every day upon which that name or title has been used.

Report by Board of Trade.

Annual report by Board of Trade.

283. The Board Trade shall cause a general annual report of matters within this Act to be prepared and laid before both Houses of Parliament.

Authentication of Documents issued by Board of Trade.

Authentication of documents issued by Board of Trade.

284. Any approval, sanction, or licence, or revocation of licence, which under this Act may be given or made by the Board of Trade may be under the hand of a secretary or assistant secretary of the Board, or of any person authorised in that behalf by the President of the Board.

Interpretation, &c.

Interpretation.

285. In this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them (that is to say):—

"Existing company" means a company formed and registered under the Joint Stock Companies Acts, or under the Companies Act, 1862;

"Company" means a company formed and registered under this Act or an existing company;

"Articles" means the articles of association of a company, as originally framed or as altered by special resolution, including, so far as they apply to the company, the regulations contained (as the case may be) in Table B. in the Schedule annexed to the Joint Stock Companies Act, 1856, or in Table A. in the First Schedule annexed to the Companies Act, 1862, or in that Table as altered in pursuance of section seventy-one of that Act, or in Table A. in the First Schedule to this Act;

19 & 20 Vict. s. 47.

"Memorandum" means the memorandum of association of a company, as originally framed or as altered in pursuance of the provisions of this Act;

"Document" includes summons, notice, order, and other legal process, and registers;

"Share" means share in the share capital of the company, and includes stock except where a distinction between stock and shares is expressed or implied;

"Debenture" includes debenture stock;

"Books and papers" and "books or papers" include accounts, deeds, writings, and documents;

"The registrar of companies," or, when used in relation to registration of companies, "the registrar," means the registrar or other officer performing under this Act the duty of registration of companies in England, Scotland, or Ireland, or in the stannaries, as the case requires;

"The court" used in relation to a company means the court having jurisdiction to wind up the company;

"Joint Stock Companies Acts" means the Joint Stock Companies Act, 1856, the Joint Stock Companies Acts, 1856, 1857, the Joint Stock Banking Companies Act, 1857, and the Act to enable Joint Stock Banking Companies to be formed on the principle of limited liability, or any one or more of those Acts, as the case may require; but does not include the Act passed in the eighth year of the reign of Her Majesty Queen Victoria, chapter one hundred and ten, intituled An Act for the Registration, Incorporation, and Regulation of Joint Stock Companies;

"The Gazette" means, as respects companies registered in England, the London Gazette; as respects companies registered in Scotland, the Edinburgh Gazette; and, as respects companies registered in Ireland, the Dublin Gazette;

"Real and personal," as respects Scotland, means heritable and moveable;

"General rules" means general rules made under this Act, and includes forms;

"Prescribed" means, as respects the provisions of this Act relating to the winding-up of companies, prescribed by general rules, and as respects the other provisions of this Act, prescribed by the Board of Trade;

"Company within the stannaries" means a company engaged in or formed for working mines within the stannaries;

"The court exercising the stannaries jurisdiction" used in relation to any proceedings means the county court in which the jurisdiction formerly exercised by the court of the vice-warden of the stannaries in respect of those proceedings is for the time being vested;

"Director" includes any person occupying the position of director by whatever name called;

"Prospectus" means any prospectus, notice, circular, advertisement, or other invitation, offering to the public for subscription or purchase any shares or debentures of a company.

Repeal of Acts and Transitional Provisions.

Repeal of Acts and savings.

286.—(1) The Acts mentioned in the First Part of the Sixth Schedule to this Act are hereby repealed to the extent specified in the third column of that Part:

Provided that the repeal shall not affect—

(*a*) The incorporation of any company registered under any enactment hereby repealed; nor

(*b*) Table B. in the Schedule annexed to the Joint Stock Companies Act, 1856, or any part thereof, so far as the same applies to any company existing at the commencement of this Act; nor

(*c*) Table A. in the First Schedule annexed to the Companies Act, 1862, or any part thereof (either as originally contained in that Schedule or as altered in pursuance of section seventy-one of that Act) so far as the same applies to any company existing at the commencement of this Act; nor

(*d*) The continuance in force of the enactments set out in the Second Part of the Sixth Schedule to this Act, being the enactments continued in force by section two hundred and five of the Companies Act, 1862.

(2) The mention of particular matters in this section or in any other section of this Act shall not prejudice the general application of section thirty-eight of the Interpretation Act, 1889, with regard to the effect of repeals.

52 & 53 Vict. c. 63.

Saving of pending proceedings for winding up.

287. The provisions of this Act with respect to winding up shall not apply to any company of which the winding up has commenced before the commencement of this Act, but every such company shall be wound up in the same manner and with the same incidents as if this Act had not passed, and for the purposes of the winding up, the Act or Acts under which the winding up commenced shall be deemed to remain in full force.

Saving of deeds.

288. Every conveyance, mortgage, or other deed, made before the commencement of this Act in pursuance of any enactment hereby repealed, shall be of the same force as if this Act had not passed, and for the purposes of that deed the repealed enactment shall be deemed to remain in full force.

Former registration offices, registers, official receivers, &c. continued.

289.—(1) The offices existing at the commencement of this Act in England, Scotland, and Ireland for registration of joint stock companies shall be continued as if they had been established under this Act.

(2) Registers of companies kept in any such existing offices shall respectively be deemed part of the registers of companies to be kept under this Act.

(3) The existing registrars, assistant registrars, officers, clerks, and servants in those offices shall during the pleasure of the Board of Trade hold the offices and receive the salaries hitherto held and received by them, but subject to any regulations of the Board of Trade with regard to the execution of their duties.

(4) The existing official receivers and officers of the Board of Trade appointed for the execution of the Companies (Winding Up) Act, 1890, shall during the pleasure of the Board of Trade hold the offices and receive the salaries or remuneration hitherto held and received by them.

(5) Persons, other than officers of the Board of Trade, performing any duties under the Companies (Winding Up) Act, 1890, and receiving therefor any salary or remuneration by the direction of the Lord Chancellor, shall during his pleasure receive the salaries or remuneration hitherto received by them.

(6) The Companies Liquidation Account under this Act shall be deemed to be in continuation of the Companies Liquidation Account under the Companies (Winding Up) Act, 1890.

Saving for existing rules of procedure, &c.

290. Until revoked and except as varied under the powers of this Act, the general rules and orders, and scales of fees, under the Companies (Winding Up) Act, 1890, in force at the commencement of this Act, and the rules of court in force at the commencement of this Act in England, Scotland, and Ireland respectively with respect to the procedure for reduction of capital, and to winding up companies, and the practice and procedure for winding up companies in England, Scotland, and Ireland respectively in force at the commencement of this Act, shall, so far as they are not inconsistent with this Act, continue in force.

Substitution of provisions of this Act for provisions of repealed Acts.

291. Where any enactment repealed by this Act is mentioned or referred to in any document, that document shall be read as if the corresponding provision (if any) of this Act were therein mentioned or referred to and substituted for the repealed enactment.

Saving for 28 & 29 Vict. c. 78. s. 3.

292. Nothing in this Act shall affect the power of a company to alter its memorandum under the provisions of section three of the Mortgage Debenture Act, 1865.

Saving for Life Assurance Companies Acts. 33 & 34 Vict. c. 61. 34 & 35 Vict. c. 58. 35 & 36 Vict. c. 41.

293. Nothing in this Act shall affect the provisions of the Life Assurance Companies Acts, 1870 to 1872, except that references in those Acts to any provision of the Companies Act, 1862, shall be read as references to the corresponding provision of this Act.

Saving for 34 & 35 Vict. c. 31. s. 5.

294. Nothing in this Act shall affect the provisions of section five of the Trade Union Act, 1871, except that the reference in that section to the Companies Acts, 1862 and 1867, shall be read as a reference to this Act.

Short title.

295. This Act may be cited as the Companies (Consolidation) Act, 1908.

Commencement of Act.

296. This Act shall come into operation on the first day of April nineteen hundred and nine.

SCHEDULES.

Sections 10, 11, 67, 263, 285.

FIRST SCHEDULE.

TABLE A.

REGULATIONS FOR MANAGEMENT OF A COMPANY LIMITED BY SHARES.

Preliminary.

1. In these regulations, unless the context otherwise requires, expressions defined in the Companies (Consolidation) Act, 1908, or any statutory modification thereof in force at the date at which these regulations become binding on the company, shall have the meanings so defined; and words importing the singular shall include the plural, and vice versâ, and words importing the masculine gender shall include females, and words importing persons shall include bodies corporate.

Business.

2. The directors shall have regard to the restrictions on the commencement of business imposed by section eighty-seven of the Companies (Consolidation) Act, 1908, if, and so far as, those restrictions are binding upon the company.

Shares.

3. Subject to the provisions, if any, in that behalf of the memorandum of association of the company, and without prejudice to any special rights previously conferred on the holders of existing shares in the company, any share in the company may be issued with such preferred, deferred, or other special rights, or such restrictions, whether in regard to dividend, voting, return of share capital, or otherwise, as the company may from time to time by special resolution determine.

4. If at any time the share capital is divided into different classes of shares, the rights attached to any class (unless otherwise provided by the terms of issue of the shares of that class) may be varied with the consent in writing of the holders of three-fourths of the issued shares of that class, or with the sanction of an extraordinary resolution passed at a separate general meeting of the holders of the shares of the class. To every such separate general meeting the provisions of these regulations relating to general meetings shall mutatis mutandis apply, but so that the necessary quorum shall be two persons at least holding or representing by proxy one-third of the issued shares of the class.

5. No share shall be offered to the public for subscription except upon the terms that the amount payable on application shall be at least five per cent. of the nominal amount of the share; and the directors shall, as regards any allotment of shares, duly comply with such of the provisions of sections eighty-five and eighty-eight of the Companies (Consolidation) Act, 1908, as may be applicable thereto.

6. Every person whose name is entered as a member in the register of members shall, without payment, be entitled to a certificate under the common seal of the company specifying the share or shares held by him and the amount paid up thereon, provided that in respect of a share or shares held jointly by several persons the company shall not be bound to issue more than one certificate, and delivery of a certificate for a share to one of several joint holders shall be sufficient delivery to all.

7. If a share certificate is defaced, lost, or destroyed, it may be renewed on payment of such fee, if any, not exceeding one shilling, and on such terms, if any, as to evidence and indemnity as the directors think fit.

8. No part of the funds of the company shall be employed in the purchase of, or in loans upon the security of, the company's shares.

Lien.

9. The company shall have a lien on every share (not being a fully-paid share) for all moneys (whether presently payable or not) called or payable at a fixed time in respect of that share, and the company shall also have a lien on all shares (other than fully-paid shares) standing registered in the name of a single person, for all moneys presently payable by him or his estate to the company; but the directors may at any time declare any share to be wholly or in part exempt from the provisions of this clause. The company's lien, if any, on a share shall extend to all dividends payable thereon.

10. The company may sell, in such manner as the directors think fit, any shares on which the company has a lien, but no sale shall be made unless some sum in respect of which the lien exists, is presently payable, nor until the expiration of fourteen days after a notice in writing, stating and demanding payment of such part of the amount in respect of which the lien exists as is presently payable, has been given to the registered holder for the time being of the share, or the person entitled by reason of his death or bankruptcy to the share.

11. The proceeds of the sale shall be applied in payment of such part of the amount in respect of which the lien exists as is presently payable, and the residue shall (subject to a like lien for sums not presently payable as existed upon the shares prior to the sale) be paid to the person entitled to the shares at the date of the sale. The purchaser shall be registered as the holder of the shares, and he shall not be bound to see to the application of the purchase money, nor shall his title to the shares be affected by any irregularity or invalidity in the proceedings in reference to the sale.

Calls on Shares.

12. The directors may from time to time make calls upon the members in respect of any moneys unpaid on their shares, provided that no call shall exceed one-fourth of the nominal amount of the share, or be payable at less than one month from the last call; and each member shall (subject to receiving at least fourteen days' notice specifying the time or times of payment) pay to the company at the time or times so specified the amount called on his shares.

13. The joint holders of a share shall be jointly and severally liable to pay all calls in respect thereof.

14. If a sum called in respect of a share is not paid before or on the day appointed for payment thereof, the person from whom the sum is due

shall pay interest upon the sum at the rate of five pounds per cent. per annum from the day appointed for the payment thereof to the time of the actual payment, but the directors shall be at liberty to waive payment of that interest wholly or in part.

15. The provisions of these regulations as to payment of interest shall apply in the case of nonpayment of any sum which, by the terms of issue of a share, becomes payable at a fixed time, whether on account of the amount of the share, or by way of premium, as if the same had become payable by virtue of a call duly made and notified.

16. The directors may make arrangements on the issue of shares for a difference between the holders in the amount of calls to be paid and in the times of payment.

17. The directors may, if they think fit, receive from any member willing to advance the same all or any part of the moneys uncalled and unpaid upon any shares held by him; and upon all or any of the moneys so advanced may (until the same would, but for such advance, become presently payable) pay interest at such rate (not exceeding, without the sanction of the company in general meeting, six per cent.) as may be agreed upon between the member paying the sum in advance and the directors.

Transfer and Transmission of Shares.

18. The instrument of transfer of any share in the company shall be executed both by the transferor and transferee, and the transferor shall be deemed to remain a holder of the share until the name of the transferee is entered in the register of members in respect thereof.

19. Shares in the company shall be transferred in the following form, or in any usual or common form which the directors shall approve:

I, A.B. of in consideration of the sum of £ paid to me by C.D. of (hereinafter called "the said transferee") do hereby transfer to the said transferee the share [*or* shares] numbered in the undertaking called the Company Limited, to hold unto the said transferee, his executors, administrators, and assigns, subject to the several conditions on which I held the same at the time of the execution thereof: and I, the said transferee, do hereby agree to take the said share [*or* shares] subject to the conditions aforesaid. As witness our hands the day of .

Witness to the signatures of, &c.

20. The directors may decline to register any transfer of shares, not being fully-paid shares, to a person of whom they do not approve, and may also decline to register any transfer of shares on which the company has a lien. The directors may also suspend the registration of transfers during the fourteen days immediately preceding the ordinary general meeting in each year. The directors may decline to recognise any instrument of transfer unless—

(*a*) a fee not exceeding two shillings and sixpence is paid to the company in respect thereof, and

(*b*) the instrument of transfer is accompanied by the certificate of the shares to which it relates, and such other evidence as the directors may reasonably require to show the right of the transferor to make the transfer.

21. The executors or administrators of a deceased sole holder of a share shall be the only persons recognised by the company as having

any title to the share. In the case of a share registered in the names of two or more holders, the survivors or survivor, or the executors or administrators of the deceased survivor, shall be the only persons recognised by the company as having any title to the share.

22. Any person becoming entitled to a share in consequence of the death or bankruptcy of a member shall, upon such evidence being produced as may from time to time be required by the directors, have the right, either to be registered as a member in respect of the share or, instead of being registered himself, to make such transfer of the share as the deceased or bankrupt person could have made ; but the directors shall, in either case, have the same right to decline or suspend registration as they would have had in the case of a transfer of the share by the deceased or bankrupt person before the death or bankruptcy.

23. A person becoming entitled to a share by reason of the death or bankruptcy of the holder shall be entitled to the same dividends and other advantages to which he would be entitled if he were the registered holder of the share, except that he shall not, before being registered as a member in respect of the share, be entitled in respect of it to exercise any right conferred by membership in relation to meetings of the company.

Forfeiture of Shares.

24. If a member fails to pay any call or instalment of a call on the day appointed for payment thereof, the directors may, at any time thereafter during such time as any part of such call or instalment remains unpaid, serve a notice on him requiring payment of so much of the call or instalment as is unpaid, together with any interest which may have accrued.

25. The notice shall name a further day (not earlier than the expiration of fourteen days from the date of the notice) on or before which the payment required by the notice is to be made, and shall state that in the event of nonpayment at or before the time appointed the shares in respect of which the call was made will be liable to be forfeited.

26. If the requirements of any such notice as aforesaid are not complied with, any share in respect of which the notice has been given may at any time thereafter, before the payment required by the notice has been made, be forfeited by a resolution of the directors to that effect.

27. A forfeited share may be sold or otherwise disposed of on such terms and in such manner as the directors think fit, and at any time before a sale or disposition the forfeiture may be cancelled on such terms as the directors think fit.

28. A person whose shares have been forfeited shall cease to be a member in respect of the forfeited shares, but shall, notwithstanding, remain liable to pay to the company all moneys which, at the date of forfeiture, were presently payable by him to the company in respect of the shares, but his liability shall cease if and when the company receive payment in full of the nominal amount of the shares.

29. A statutory declaration in writing that the declarant is a director of the company, and that a share in the company has been duly forfeited on a date stated in the declaration, shall be conclusive evidence of the facts therein stated as against all persons claiming to be entitled to the share, and that declaration, and the receipt of the company for the consideration, if any, given for the share on the sale or disposition thereof

shall constitute a good title to the share, and the person to whom the share is sold or disposed of shall be registered as the holder of the share and shall not be bound to see to the application of the purchase money, if any, nor shall his title to the share be affected by any irregularity or invalidity in the proceedings in reference to the forfeiture, sale or disposal of the share.

30. The provisions of these regulations as to forfeiture shall apply in the case of nonpayment of any sum which, by the terms of issue of a share, becomes payable at a fixed time, whether on account of the amount of the share, or by way of premium, as if the same had been payable by virtue of a call duly made and notified.

Conversion of Shares into Stock.

31. The directors may, with the sanction of the company previously given in general meeting, convert any paid-up shares into stock, and may with the like sanction reconvert any stock into paid-up shares of any denomination.

32. The holders of stock may transfer the same, or any part thereof, in the same manner, and subject to the same regulations, as, and subject to which, the shares from which the stock arose might previously to conversion have been transferred, or as near thereto as circumstances admit; but the directors may from time to time fix the minimum amount of stock transferable, and restrict or forbid the transfer of fractions of that minimum, but the minimum shall not exceed the nominal amount of the shares from which the stock arose.

33. The holders of stock shall, according to the amount of the stock held by them, have the same rights, privileges, and advantages as regards dividends, voting at meetings of the company, and other matters as if they held the shares from which the stock arose, but no such privilege or advantage (except participation in the dividends and profits of the company) shall be conferred by any such aliquot part of stock as would not, if existing in shares, have conferred that privilege or advantage.

34. Such of the regulations of the company (other than those relating to share warrants) as are applicable to paid-up shares shall apply to stock, and the words "share" and "shareholder" therein shall include "stock" and "stock-holder."

Share Warrants.

35. The company may issue share warrants, and accordingly the directors may in their discretion, with respect to any share which is fully paid up, on application in writing signed by the person registered as holder of the share, and authenticated by such evidence, if any, as the directors may from time to time require as to the identity of the person signing the request, and on receiving the certificate, if any, of the share, and the amount of the stamp duty on the warrant and such fee as the directors may from time to time require, issue under the company's seal a warrant, duly stamped, stating that the bearer of the warrant is entitled to the shares therein specified, and may provide by coupons, or otherwise for the payment of dividends, or other moneys, on the shares included in the warrant.

36. A share warrant shall entitle the bearer to the shares included in it, and the shares shall be transferred by the delivery of the share warrant, and the provisions of the regulations of the company with respect to transfer and transmission of shares shall not apply thereto.

37. The bearer of a share warrant shall, on surrender of the warrant to the company for cancellation, and on payment of such sum as the directors may from time to time prescribe, be entitled to have his name entered as a member in the register of members in respect of the shares included in the warrant.

38. The bearer of a share warrant may at any time deposit the warrant at the office of the company, and so long as the warrant remains so deposited the depositor shall have the same right of signing a requisition for calling a meeting of the company, and of attending and voting and exercising the other privileges of a member at any meeting held after the expiration of two clear days from the time of deposit, as if his name were inserted in the register of members as the holder of the shares included in the deposited warrant. Not more than one person shall be recognised as depositor of the share warrant. The company shall, on two days' written notice, return the deposited share warrant to the depositor.

39. Subject as herein otherwise expressly provided no person shall, as bearer of a share warrant, sign a requisition for calling a meeting of the company, or attend, or vote, or exercise any other privilege of a member at a meeting of the company, or be entitled to receive any notices from the company: but the bearer of a share warrant shall be entitled in all other respects to the same privileges and advantages as if he were named in the register of members as the holder of the shares included in the warrant, and he shall be a member of the company.

40. The directors may from time to time make rules as to the terms on which (if they shall think fit) a new share warrant or coupon may be issued by way of renewal in case of defacement, loss, or destruction.

Alteration of Capital.

41. The directors may, with the sanction of an extraordinary resolution of the company, increase the share capital by such sum, to be divided into shares of such amount, as the resolution shall prescribe.

42. Subject to any direction to the contrary that may be given by the resolution sanctioning the increase of share capital, all new shares shall, before issue, be offered to such persons as at the date of the offer are entitled to receive notices from the company of general meetings in proportion, as nearly as the circumstances admit, to the amount of the existing shares to which they are entitled. The offer shall be made by notice specifying the number of shares offered, and limiting a time within which the offer, if not accepted, will be deemed to be declined, and, after the expiration of that time, or on the receipt of an intimation from the person to whom the offer is made that he declines to accept the shares offered, the directors may dispose of the same in such manner as they think most beneficial to the company. The directors may likewise so dispose of any new shares which (by reason of the ratio which the new shares bear to shares held by persons entitled to an offer of new shares) cannot, in the opinion of the directors, be conveniently offered under this article.

43. The new shares shall be subject to the same provisions with reference to the payment of calls, lien, transfer, transmission, forfeiture, and otherwise as the shares in the original share capital.

44. The company may, by special resolution—

(*a*) Consolidate and divide its share capital into shares of larger amount than its existing shares:

(*b*) By subdivision of its existing shares, or any of them, divide the whole, or any part, of its share capital into shares of smaller amount than is fixed by the memorandum of association, subject, nevertheless, to the provisions of paragraph (*d*) of subsection (1) of section forty-one of the Companies (Consolidation) Act, 1908 :

(*c*) Cancel any shares which, at the date of the passing of the resolution, have not been taken or agreed to be taken by any person :

(*d*) Reduce its share capital in any manner and with, and subject to, any incident authorised, and consent required, by law.

General Meetings.

45. The statutory general meeting of the company shall be held within the period required by section sixty-five of the Companies (Consolidation) Act, 1908.

46. A general meeting shall be held once in every year at such time (not being more than fifteen months after the holding of the last preceding general meeting) and place as may be prescribed by the company in general meeting, or, in default, at such time in the month following that in which the anniversary of the company's incorporation occurs, and at such place, as the directors shall appoint. In default of a general meeting being so held, a general meeting shall be held in the month next following, and may be convened by any two members in the same manner as nearly as possible as that in which meetings are to be convened by the directors.

47. The above-mentioned general meetings shall be called ordinary meetings ; all other general meetings shall be called extraordinary.

48. The directors may, whenever they think fit, convene an extraordinary general meeting, and extraordinary general meetings shall also be convened on such requisition, or, in default, may be convened by such requisitionists, as provided by section sixty-six of the Companies (Consolidation) Act, 1908. If at any time there are not within the United Kingdom sufficient directors capable of acting to form a quorum, any director or any two members of the company may convene an extraordinary general meeting in the same manner as nearly as possible as that in which meetings may be convened by the directors.

Proceedings at General Meeting.

49. Seven days' notice at the least (exclusive of the day on which the notice is served or deemed to be served, but inclusive of the day for which notice is given) specifying the place, the day, and the hour of meeting and, in case of special business, the general nature of that business shall be given in manner hereinafter mentioned, or in such other manner, if any, as may be prescribed by the company in general meeting, to such persons as are, under the regulations of the company, entitled to receive such notices from the company ; but the non-receipt of the notice by any member shall not invalidate the proceedings at any general meeting.

50. All business shall be deemed special that is transacted at an extraordinary meeting, and all that is transacted at an ordinary meeting, with the exception of sanctioning a dividend, the consideration of the accounts, balance-sheets, and the ordinary report of the directors and

auditors, the election of directors and other officers in the place of those retiring by rotation, and the fixing of the remuneration of the auditors.

51. No business shall be transacted at any general meeting unless a quorum of members is present at the time when the meeting proceeds to business; save as herein otherwise provided, three members personally present shall be a quorum.

52. If within half an hour from the time appointed for the meeting a quorum is not present, the meeting, if convened upon the requisition of members, shall be dissolved; in any other case it shall stand adjourned to the same day in the next week, at the same time and place, and, if at the adjourned meeting a quorum is not present within half an hour from the time appointed for the meeting the members present shall be a quorum.

53. The chairman, if any, of the board of directors shall preside as chairman at every general meeting of the company.

54. If there is no such chairman, or if at any meeting he is not present within fifteen minutes after the time appointed for holding the meeting or is unwilling to act as chairman, the members present shall choose some one of their number to be chairman.

55. The chairman may, with the consent of any meeting at which a quorum is present (and shall if so directed by the meeting), adjourn the meeting from time to time and from place to place, but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place. When a meeting is adjourned for ten days or more, notice of the adjourned meeting shall be given as in the case of an original meeting. Save as aforesaid it shall not be necessary to give any notice of an adjournment or of the business to be transacted at an adjourned meeting.

56. At any general meeting a resolution put to the vote of the meeting shall be decided on a show of hands, unless a poll is (before or on the declaration of the result of the show of hands) demanded by at least three members, and, unless a poll is so demanded, a declaration by the chairman that a resolution has, on a show of hands, been carried, or carried unanimously, or by a particular majority, or lost, and an entry to that effect in the book of the proceedings of the company, shall be conclusive evidence of the fact, without proof of the number or proportion of the votes recorded in favour of, or against, that resolution.

57. If a poll is duly demanded it shall be taken in such manner as the chairman directs, and the result of the poll shall be deemed to be the resolution of the meeting at which the poll was demanded.

58. In the case of an equality of votes, whether on a show of hands or on a poll, the chairman of the meeting at which the show of hands takes place or at which the poll is demanded, shall be entitled to a second or casting vote.

59. A poll demanded on the election of a chairman, or on a question of adjournment, shall be taken forthwith. A poll demanded on any other question shall be taken at such time as the chairman of the meeting directs.

Votes of Members.

60. On a show of hands every member present in person shall have one vote. On a poll every member shall have one vote for each share of which he is the holder.

61. In the case of joint holders the vote of the senior who tenders a vote, whether in person or by proxy, shall be accepted to the exclusion of the votes of the other joint holders; and for this purpose seniority shall be determined by the order in which the names stand in the register of members.

62. A member of unsound mind, or in respect of whom an order has been made by any court having jurisdiction in lunacy, may vote, whether on a show of hands or on a poll, by his committee, curator bonis, or other person in the nature of a committee or curator bonis appointed by that court, and any such committee, curator bonis, or other person may, on a poll, vote by proxy.

63. No member shall be entitled to vote at any general meeting unless all calls or other sums presently payable by him in respect of shares in the company have been paid.

64. On a poll votes may be given either personally or by proxy.

65. The instrument appointing a proxy shall be in writing under the hand of the appointor or of his attorney duly authorised in writing, or, if the appointor is a corporation, either under the common seal, or under the hand of an officer or attorney so authorised. No person shall act as a proxy unless either he is entitled on his own behalf to be present and vote at the meeting at which he acts as proxy, or he has been appointed to act at that meeting as proxy for a corporation.

66. The instrument appointing a proxy and the power of attorney or other authority, if any, under which it is signed or a notarially certified copy of that power or authority shall be deposited at the registered office of the company not less than forty-eight hours before the time for holding the meeting at which the person named in the instrument proposes to vote, and in default the instrument of proxy shall not be treated as valid.

67. An instrument appointing a proxy may be in the following form, or in any other form which the directors shall approve :—

Company, Limited.

"I of in the county of being a member of the Company, Limited, hereby appoint of as my proxy to vote for me and on my behalf at the [ordinary *or* extraordinary, *as the case may be*] general meeting of the company to be held on the day of and at any adjournment thereof."

Signed this day of .

Directors.

68. The number of the directors and the names of the first directors shall be determined in writing by a majority of the subscribers of the memorandum of association.

69. The remuneration of the directors shall from time to time be determined by the company in general meeting.

70. The qualification of a director shall be the holding of at least one share in the company, and it shall be his duty to comply with the provisions of section seventy-three of the Companies (Consolidation) Act, 1908.

Powers and Duties of Directors.

71. The business of the company shall be managed by the directors, who may pay all expenses incurred in getting up and registering the com-

pany, and may exercise all such powers of the company as are not, by the Companies (Consolidation) Act, 1908, or any statutory modification thereof for the time being in force, or by these articles, required to be exercised by the company in general meeting, subject nevertheless to any regulation of these articles, to the provisions of the said Act, and to such regulations, being not inconsistent with the aforesaid regulations or provisions, as may be prescribed by the company in general meeting; but no regulation made by the company in general meeting shall invalidate any prior act of the directors which would have been valid if that regulation had not been made.

72. The directors may from time to time appoint one or more of their body to the office of managing director or manager for such term, and at such remuneration (whether by way of salary, or commission, or participation in profits, or partly in one way and partly in another) as they may think fit, and a director so appointed shall not, while holding that office, be subject to retirement by rotation, or taken into account in determining the rotation of retirement of directors; but his appointment shall be subject to determination ipso facto if he ceases from any cause to be a director, or if the company in general meeting resolve that his tenure of the office of managing director or manager be determined.

73. The amount for the time being remaining undischarged of moneys borrowed or raised by the directors for the purposes of the company (otherwise than by the issue of share capital) shall not at any time exceed the issued share capital of the company without the sanction of the company in general meeting.

74. The directors shall duly comply with the provisions of the Companies (Consolidation) Act, 1908, or any statutory modification thereof for the time being in force, and in particular with the provisions in regard to the registration of the particulars of mortgages and charges affecting the property of the company, or created by it, and to keeping a register of the directors, and to sending to the Registrar of Companies an annual list of members, and a summary of particulars relating thereto, and notice of any consolidation or increase of share capital, or conversion of shares into stock, and copies of special resolutions, and a copy of the register of directors and notifications of any changes therein.

75. The directors shall cause minutes to be made in books provided for the purpose—

(*a*) of all appointments of officers made by the directors;

(*b*) of the names of the directors present at each meeting of the directors and of any committee of the directors;

(*c*) of all resolutions and proceedings at all meetings of the company, and of the directors, and of committees of directors,

and every director present at any meeting of directors or committee of directors shall sign his name in a book to be kept for that purpose.

The Seal.

76. The seal of the company shall not be affixed to any instrument except by the authority of a resolution of the board of directors, and in the presence of at least two directors and of the secretary or such other person as the directors may appoint for the purpose; and those two directors and secretary or other person as aforesaid shall sign every instrument to which the seal of the company is so affixed in their presence.

Disqualifications of Directors.

77. The office of director shall be vacated, if the director—

(*a*) ceases to be a director by virtue of section seventy-three of the Companies (Consolidation) Act, 1908; or

(*b*) holds any other office of profit under the company except that of managing director or manager; or

(*c*) becomes bankrupt; or

(*d*) is found lunatic or becomes of unsound mind; or

(*e*) is concerned or participates in the profits of any contract with the company:

Provided, however, that no director shall vacate his office by reason of his being a member of any company which has entered into contracts with or done any work for the company of which he is director: but a director shall not vote in respect of any such contract or work, and if he does so vote his vote shall not be counted.

Rotation of Directors.

78. At the first ordinary meeting of the company the whole of the directors shall retire from office, and at the ordinary meeting in every subsequent year one-third of the directors for the time being, or, if their number is not three or a multiple of three, then the number nearest to one-third, shall retire from office.

79. The directors to retire in every year shall be those who have been longest in office since their last election, but as between persons who became directors on the same day those to retire shall (unless they otherwise agree among themselves) be determined by lot.

80. A retiring director shall be eligible for re-election.

81. The company at the general meeting at which a director retires in manner aforesaid may fill up the vacated office by electing a person thereto.

82. If at any meeting at which an election of directors ought to take place the places of the vacating directors are not filled up, the meeting shall stand adjourned till the same day in the next week at the same time and place, and, if at the adjourned meeting the places of the vacating directors are not filled up, the vacating directors, or such of them as have not had their places filled up, shall be deemed to have been re-elected at the adjourned meeting.

83. The company may from time to time in general meeting increase or reduce the number of directors, and may also determine in what rotation the increased or reduced number is to go out of office.

84. Any casual vacancy occurring in the board of directors may be filled up by the directors, but the person so chosen shall be subject to retirement at the same time as if he had become a director on the day on which the director in whose place he is appointed was last elected a director.

85. The directors shall have power at any time, and from time to time, to appoint a person as an additional director who shall retire from office at the next following ordinary general meeting, but shall be eligible for election by the company at that meeting as an additional director.

86. The company may by extraordinary resolution remove any director before the expiration of his period of office, and may by an ordinary

resolution appoint another person in his stead ; the person so appointed shall be subject to retirement at the same time as if he had become a director on the day on which the director in whose place he is appointed was last elected a director.

Proceedings of Directors.

87. The directors may meet together for the despatch of business, adjourn, and otherwise regulate their meetings, as they think fit. Questions arising at any meeting shall be decided by a majority of votes. In case of an equality of votes the chairman shall have a second or casting vote. A director may, and the secretary on the requisition of a director shall, at any time summon a meeting of the directors.

88. The quorum necessary for the transaction of the business of the directors may be fixed by the directors, and unless so fixed shall (when the number of directors exceeds three) be three.

89. The continuing directors may act notwithstanding any vacancy in their body, but, if and so long as their number is reduced below the number fixed by or pursuant to the regulations of the company as the necessary quorum of directors, the continuing directors may act for the purpose of increasing the number of directors to that number, or of summoning a general meeting of the company, but for no other purpose.

90. The directors may elect a chairman of their meetings and determine the period for which he is to hold office ; but, if no such chairman is elected, or if at any meeting the chairman is not present within five minutes after the time appointed for holding the same, the directors present may choose one of their number to be chairman of the meeting.

91. The directors may delegate any of their powers to committees consisting of such member or members of their body as they think fit ; any committee so formed shall in the exercise of the powers so delegated conform to any regulations that may be imposed on them by the directors.

92. A committee may elect a chairman of their meetings : if no such chairman is elected, or if at any meeting the chairman is not present within five minutes after the time appointed for holding the same, the members present may choose one of their number to be chairman of the meeting.

93. A committee may meet and adjourn as they think proper. Questions arising at any meeting shall be determined by a majority of votes of the members present, and in case of an equality of votes the chairman shall have a second or casting vote.

94. All acts done by any meeting of the directors or of a committee of directors, or by any person acting as a director, shall, notwithstanding that it be afterwards discovered that there was some defect in the appointment of any such directors or persons acting as aforesaid, or that they or any of them were disqualified, be as valid as if every such person had been duly appointed and was qualified to be a director.

Dividends and Reserve.

95. The company in general meeting may declare dividends, but no dividend shall exceed the amount recommended by the directors.

96. The directors may from time to time pay to the members such interim dividends as appear to the directors to be justified by the profits of the company.

97. No dividend shall be paid otherwise than out of profits.

98. Subject to the rights of persons, if any, entitled to shares with special rights as to dividends, all dividends shall be declared and paid according to the amounts paid on the shares, but if and so long as nothing is paid up on any of the shares in the company dividends may be declared and paid according to the amounts of the shares. No amount paid on a share in advance of calls shall, while carrying interest, be treated for the purposes of this article as paid on the share.

99. The directors may, before recommending any dividend, set aside out of the profits of the company such sums as they think proper as a reserve or reserves which shall, at the discretion of the directors, be applicable for meeting contingencies, or for equalising dividends, or for any other purpose to which the profits of the company may be properly applied, and pending such application may, at the like discretion, either be employed in the business of the company or be invested in such investments (other than shares of the company) as the directors may from time to time think fit.

100. If several persons are registered as joint holders of any share any one of them may give effectual receipts for any dividend payable on the share.

101. Notice of any dividend that may have been declared shall be given in manner hereinafter mentioned to the persons entitled to share therein.

102. No dividend shall bear interest against the company.

Accounts.

103. The directors shall cause true accounts to be kept—

Of the sums of money received and expended by the company and the matter in respect of which such receipt and expenditure takes place, and

Of the assets and liabilities of the company.

104. The books of account shall be kept at the registered office of the company, or at such other place or places as the directors think fit, and shall always be open to the inspection of the directors.

105. The directors shall from time to time determine whether and to what extent and at what times and places and under what conditions or regulations the accounts and books of the company or any of them shall be open to the inspection of members not being directors, and no member (not being a director) shall have any right of inspecting any account or book or document of the company except as conferred by statute or authorised by the directors or by the company in general meeting.

106. Once at least in every year the directors shall lay before the company in general meeting a profit and loss account for the period since the preceding account or (in the case of the first account) since the incorporation of the company, made up to a date not more than six months before such meeting.

107. A balance sheet shall be made out in every year and laid before the company in general meeting made up to a date not more than six months before such meeting. The balance-sheet shall be accompanied by a report of the directors as to the state of the company's affairs, and the

amount which they recommend to be paid by way of dividend, and the amount, if any, which they propose to carry to a reserve fund.

108. A copy of the balance sheet and report shall, seven days previously to the meeting, be sent to the persons entitled to receive notices of general meetings in the manner in which notices are to be given hereunder.

Audit.

109. Auditors shall be appointed and their duties regulated in accordance with sections one hundred and twelve and one hundred and thirteen of the Companies (Consolidation) Act, 1908, or any statutory modification thereof for the time being in force.

Notices.

110. A notice may be given by the company to any member either personally or by sending it by post to him to his registered address, or (if he has no registered address in the United Kingdom) to the address, if any, within the United Kingdom supplied by him to the company for the giving of notices to him.

Where a notice is sent by post, service of the notice shall be deemed to be effected by properly addressing, prepaying, and posting a letter containing the notice, and unless the contrary is proved to have been effected at the time at which the letter would be delivered in the ordinary course of post.

111. If a member has no registered address in the United Kingdom and has not supplied to the company an address within the United Kingdom for the giving of notices to him, a notice addressed to him and advertised in a newspaper circulating in the neighbourhood of the registered office of the company, shall be deemed to be duly given to him on the day on which the advertisement appears.

112. A notice may be given by the company to the joint holders of a share by giving the notice to the joint holder named first in the register in respect of the share.

113. A notice may be given by the company to the persons entitled to a share in consequence of the death or bankruptcy of a member by sending it through the post in a prepaid letter addressed to them by name, or by the title of representatives of the deceased, or trustee of the bankrupt, or by any like description, at the address, if any, in the United Kingdom supplied for the purpose by the persons claiming to be so entitled, or (until such an address has been so supplied) by giving the notice in any manner in which the same might have been given if the death or bankruptcy had not occurred.

114. Notice of every general meeting shall be given in some manner hereinbefore authorised to (*a*) every member of the company (including bearers of share warrants) except those members who (having no registered address within the United Kingdom) have not supplied to the company an address within the United Kingdom for the giving of notices to them, and also to (*b*) every person entitled to a share in consequence of the death or bankruptcy of a member, who, but for his death or bankruptcy, would be entitled to receive notice of the meeting. No other persons shall be entitled to receive notices of general meetings.

Sections 244, 259.

TABLE B.

TABLE OF FEES to be paid to the REGISTRAR of COMPANIES.

I.—By a company having a share capital.

	£	s.	d.
For registration of a company whose nominal share capital does not exceed 2,000*l.*	2	0	0
For registration of a company whose nominal share capital exceeds 2,000*l.*, the following fees, regulated according to the amount of nominal share capital (that is to say);			
For every 1,000*l.* of nominal share capital, or part of 1,000*l.*, up to 5,000*l.*	1	0	0
For every 1,000*l.* of nominal share capital, or part of 1,000*l.*, after the first 5,000*l.*, up to 100,000*l.*	0	5	0
For every 1,000*l.* of nominal share capital, or part of 1,000*l.*, after the first 100,000*l.*	0	1	0
For registration of any increase of share capital made after the first registration of the company, the same fees per 1,000*l.*, or part of a 1,000*l.*, as would have been payable if the increased share capital had formed part of the original share capital at the time of registration:			
Provided that no company shall be liable to pay in respect of nominal share capital, on registration or afterwards, any greater amount of fees than 50*l.*, taking into account in the case of fees payable on an increase of share capital after registration the fees paid on registration.			
For registration of any existing company, except such companies as are by this Act exempted from payment of fees in respect of registration under this Act, the same fee as is charged for registering a new company.			
For registering any document by this Act required or authorised to be registered, other than the memorandum or the abstract required to be filed with the registrar by a receiver or manager or the statement required to be sent to the registrar by the liquidator in a winding-up in England	0	5	0
For making a record of any fact by this Act required or authorised to be recorded by the registrar	0	5	0

II.—By a company not having a share capital.

	£	s.	d.
For registration of a company whose number of members, as stated in the articles, does not exceed 20	2	0	0
For registration of a company whose number of members, as stated in the articles, exceeds 20, but does not exceed 100	5	0	0
For registration of a company whose number of members, as stated in the articles, exceeds 100, but is not stated to be unlimited, the above fee of 5*l.*, with an additional 5*s.* for every 50 members or less number than 50 members after the first 100.			
For registration of a company in which the number of members is stated in the articles to be unlimited	20	0	0
For registration of any increase on the number of members made after the registration of the company in respect of every 50 members, or less than 50 members, of that increase	0	5	0

	£	s.	d.
Provided that no company shall be liable to pay on the whole a greater fee than 20*l.* in respect of its number of members, taking into account the fee paid on the first registration of the company.			
For registration of any existing company, except such companies as are by this Act exempted from payment of fees in respect of registration under this Act, the same fee as is charged for registering a new company.			
r registering any document by this Act required or authorised to be registered, other than the memorandum or the abstract required to be filed with the registrar by a receiver or manager or the statement required to be sent to the registrar by the liquidator in a winding-up in England -	0	5	0
For making a record of any fact by this Act required or authorised to be recorded by the registrar - - -	0	5	0

FORM C.

Section 108.

FORM OF STATEMENT to be published by BANKING and INSURANCE COMPANIES, and DEPOSIT, PROVIDENT, or BENEFIT SOCIETIES.

* The share capital of the company is , divided into shares of each.

The number of shares issued is

Calls to the amount of pounds per share have been made, under which the sum of pounds has been received.

The liabilities of the company on the first day of January (*or* July) were—

Debts owing to sundry persons by the company.
On judgment, £
On specialty, £
On notes or bills, £
On simple contracts, £
On estimated liabilities, £

The assets of the company on that day were—
Government securities [*stating them*]
Bills of exchange and promissory notes, £
Cash at the bankers, £
Other securities, £

* If the company has no share capital the portion of the statement relating to capital and shares must be omitted.

SECOND SCHEDULE.

Section 82.

THE COMPANIES (CONSOLIDATION) ACT, 1908.

STATEMENT IN LIEU OF PROSPECTUS
filed by

LIMITED
pursuant to section eighty-two of the Companies (Consolidation) Act, 1908.

Presented for filing by

THE COMPANIES (CONSOLIDATION) ACT, 1908.

LIMITED.

STATEMENT IN LIEU OF PROSPECTUS.

The nominal share capital of the company.	£
Divided into - - - - -	Shares of £ each. " " " " " "
Names, descriptions, and addresses of directors or proposed directors.	
Minimum subscription (if any) fixed by the memorandum or articles of association on which the company may proceed to allotment.	
Number and amount of shares and debentures agreed to be issued as fully or partly paid-up otherwise than in cash. The consideration for the intended issue of those shares and debentures.	1. shares of £ fully paid. 2. shares upon which £ per share credited as paid. 3. debenture £ 4. Consideration.
Names and addresses of (*a*) vendors of property purchased or acquired, or proposed to be (*b*) purchased or acquired by the company. Amount (in cash, shares, or debentures) payable to each separate vendor.	
Amount (if any) paid or payable (in cash or shares or debentures) for any such property, specifying amount (if any) paid or payable for goodwill.	Total purchase price £ Cash - - - - £ Shares - - - - £ Debentures - - £ Goodwill - - - £
Amount (if any) paid or payable as commission for subscribing or agreeing to subscribe or procuring or agreeing to procure subscriptions for any shares or debentures in the company, or Rate of the commission - -	Amount paid. " payable. Rate per cent.

(*a*) For definition of vendor, *see* Section 81 (2) of the Companies (Consolidation) Act, 1908.
(*b*) *See* Section 81 (3) of the Companies (Consolidation) Act, 1908.

Estimated amount of preliminary expenses.	£
Amount paid or intended to be paid to any promoter. Consideration for the payment.	Name of promoter. Amount £ Consideration :—
Dates of, and parties to, every material contract (other than contracts entered into in the ordinary course of the business intended to be carried on by the company or entered into more than two years before the filing of this statement).	
Time and place at which the contracts or copies thereof may be inspected.	
Names and addresses of the auditors of the company (if any).	
Full particulars of the nature and extent of the interest of every director in the promotion of or in the property proposed to be acquired by the company, or, where the interest of such a director consists in being a partner in a firm, the nature and extent of the interest of the firm, with a statement of all sums paid or agreed to be paid to him or to the firm in cash or shares, or otherwise, by any person either to induce him to become, or to qualify him as, a director, or otherwise for services rendered by him or by the firm in connection with the promotion or formation of the company.	
Whether the articles contain any provisions precluding holders of shares or debentures receiving and inspecting balance sheets or reports of the auditors or other reports.	Nature of the provisions.

(Signatures of the persons above-named as directors or proposed directors, or of their agents authorised in writing.)

THIRD SCHEDULE.

FORM A.

Section 118.

MEMORANDUM of ASSOCIATION of a company limited by shares.

1st. The name of the company is "The Eastern Steam Packet Company Limited."

2nd. The registered office of the company will be situate in England.

3rd. The objects for which the company is established are, "the "conveyance of passengers and goods in ships or boats between such "places as the company may from time to time determine, and the doing "all such other things as are incidental or conducive to the attainment "of the above object."

4th. The liability of the members is limited.

5th. The share capital of the company is two hundred thousand pounds divided into one thousand shares of two hundred pounds each.

WE, the several persons whose names and addresses are subscribed, are desirous of being formed into a company, in pursuance of this memorandum of association, and we respectively agree to take the number of shares in the capital of the company set opposite our respective names.

Names, Addresses, and Descriptions of Subscribers.			Number of Shares taken by each Subscriber.
"1. John Jones of	in the county of	merchant	200
"2. John Smith of	in the county of	-	25
"3. Thomas Green of	in the county of	-	30
"4. John Thompson of	in the county of	-	40
"5. Caleb White of	in the county of	-	15
"6. Andrew Brown of	in the county of	-	5
"7. Cæsar White of	in the county of	-	10
Total shares taken - - -			325

Dated the day of 19 .

Witness to the above signatures,
A.B., No. 13, Hute Street, Clerkenwell, London.

FORM B.

MEMORANDUM and ARTICLES of ASSOCIATION of a company limited by Guarantee, and not having a share capital.

Memorandum of Association.

1st. The name of the company is "The Mutual London Marine Association, Limited."

2nd. The registered office of the company will be situate in England.

3rd. The objects for which the company is established are, "the "mutual insurance of ships belonging to members of the company, and "the doing all such other things as are incidental or conducive to the "attainment of the above object."

4th. The liability of the members is limited.

5th. Every member of the company undertakes to contribute to the assets of the company in the event of its being wound up while he is a member, or within one year afterwards, for payment of the debts and liabilities of the company contracted before he ceases to be a member, and the costs charges and expenses of winding up, and for the adjustment of the rights of the contributories among themselves, such amount as may be required not exceeding ten pounds.

WE, the several persons whose names and addresses are subscribed, are desirous of being formed into a company, in pursuance of this memorandum of association.

Names, Addresses, and Descriptions of Subscribers.

" 1.	John Jones of	in the county of	merchant.
" 2.	John Smith of	in the county of	
" 3.	Thomas Green of	in the county of	
" 4.	John Thompson of	in the county of	
" 5.	Caleb White of	in the county of	
" 6.	Andrew Brown of	in the county of	
" 7.	Cæsar White of	in the county of	

Dated the day of 19 .

Witness to the above signatures,

A.B., No. 13, Hute Street, Clerkenwell, London.

ARTICLES of ASSOCIATION to accompany preceding MEMORANDUM of ASSOCIATION.

Number of Members.

1. The company, for the purpose of registration, is declared to consist of five hundred members.

2. The directors herein-after mentioned may, whenever the business of the association requires it, register an increase of members.

Definition of Members.

3. Every person shall be deemed to have agreed to become a member of the company who insures any ship or share in a ship in pursuance of the regulations herein-after contained.

General Meetings.

4. The first general meeting shall be held at such time, not being less than one month nor more than three months after the incorporation of the company, and at such place, as the directors may determine.

5. A general meeting shall be held once in every year at such time (not being more than fifteen months after the holding of the last preceding general meeting) and place as may be prescribed by the company in general meeting, or, in default, at such time in the month following that in which the anniversary of the company's incorporation occurs, and at such place, as the directors shall appoint. In default of a general meeting being so held, a general meeting shall be held in the month next following, and may be convened by any two members in the same manner as nearly as possible as that in which meetings are to be convened by the directors.

6. The above-mentioned general meetings shall be called ordinary meetings; all other general meetings shall be called extraordinary.

7. The directors may, whenever they think fit, and shall, on a requisition made in writing by any five or more members, convene an extraordinary general meeting.

8. Any requisition made by the members must state the object of the meeting proposed to be called, and must be signed by the requisitionists and deposited at the registered office of the company.

9. On receipt of the requisition the directors shall forthwith proceed to convene a general meeting: if they do not proceed to cause a meeting to be held within twenty-one days from the date of the requisition being so deposited, the requisitionists or any other five members, may themselves convene a meeting.

Proceedings at General Meetings.

10. Seven days' notice at the least, specifying the place, the day, and the hour of meeting, and in case of special business the general nature of the business, shall be given to the members in manner herein-after mentioned, or in such other manner, if any, as may be prescribed by the company in general meeting; but the non-receipt of such a notice by any member shall not invalidate the proceedings at any general meeting.

11. All business shall be deemed special that is transacted at an extraordinary meeting, and all that is transacted at an ordinary meeting, with the exception of the consideration of the accounts, balance sheets, and the ordinary report of the directors and auditors, the election of directors and other officers in the place of those retiring by rotation, and the fixing of the remuneration of the auditors.

12. No business shall be transacted at any meeting except the declaration of a dividend, unless a quorum of members is present at the commencement of the business. The quorum shall be ascertained as follows (that is to say), if the members of the company at the time of the meeting do not exceed ten in number, the quorum shall be five; if they exceed ten there shall be added to the above quorum one for every five additional members up to fifty, and one for every ten additional members after fifty, with this limitation, that no quorum shall in any case exceed thirty.

13. If within one hour from the time appointed for the meeting a quorum of members is not present, the meeting, if convened on the requisition of the members, shall be dissolved; in any other case it shall stand adjourned to the same day in the following week at the same time and place; and if at such adjourned meeting a quorum of members is not present, it shall be adjourned sine die.

14. The chairman (if any) of the directors shall preside as chairman at every general meeting of the company.

15. If there is no such chairman, or if at any meeting he is not present at the time of holding the same, the members present shall choose some one of their number to be chairman of that meeting.

16. The chairman may, with the consent of the meeting, adjourn the meeting from time to time and from place to place, but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.

17. At any general meeting, unless a poll is demanded by at least three members, a declaration by the chairman that a resolution has been carried and an entry to that effect in the book of proceedings of the

company, shall be conclusive evidence of the fact, without proof of the number or proportion of the votes recorded in favour of or against the resolution.

18. If a poll is demanded in manner aforesaid, the same shall be taken in such manner as the chairman directs, and the result of the poll shall be deemed to be the resolution of the meeting at which the poll was demanded.

Votes of Members.

19. Every member shall have one vote and no more.

20. If any member is a lunatic or idiot he may vote by his committee curator bonis, or other legal curator.

21. No member shall be entitled to vote at any meeting unless all moneys due from him to the company have been paid.

22. On a poll votes may be given either personally or by proxy. A proxy shall be appointed in writing under the hand of the appointor, or if such appointor is a corporation, under its common seal.

23. No person shall act as a proxy unless he is a member, or unless he is appointed to act at the meeting as proxy for a corporation.

The instrument appointing him shall be deposited at the registered office of the company not less than forty-eight hours before the time of holding the meeting at which he proposes to vote.

24. Any instrument appointing a proxy shall be in the following form :—

Company, Limited.

of in the county of
being a member of the Company, Limited, hereby appoint
of as my proxy, to vote for me and on my behalf at the [ordinary *or* extraordinary, *as the case may be*] general meeting of the company to be held on the day of and at any adjournment thereof.

Signed this day of

Directors.

25. The number of the directors, and the names of the first directors, shall be determined by the subscribers of the memorandum of association.

26. Until directors are appointed the subscribers of the memorandum of association shall for all the purposes of the Companies (Consolidation) Act, 1908, be deemed to be directors.

Powers of Directors.

27. The business of the company shall be managed by the directors, who may exercise all such powers of the company as are not by the Companies (Consolidation) Act, 1908, or by any statutory modification thereof for the time being in force, or by these articles, required to be exercised by the company in general meeting ; but no regulation made by the company in general meeting shall invalidate any prior act of the directors which would have been valid if that regulation had not been made.

Election of Directors.

28. The directors shall be elected annually by the company in general meeting.

Business of Company.

[*Here insert Rules as to Mode in which Business of Insurance is to be conducted.*]

Audit.

29. Auditors shall be appointed and their duties regulated in accordance with sections one hundred and twelve and one hundred and thirteen of the Companies (Consolidation) Act, 1908, or any statutory modification thereof for the time being in force, and for this purpose the said sections shall have effect as if the word "members" were substituted for "shareholders," and as if "first general meeting" were substituted for "statutory meeting."

Notices.

30. A notice may be given by the company to any member either personally, or by sending it by post to him to his registered address.

31. Where a notice is sent by post, service of the notice shall be deemed to be effected by properly addressing, prepaying, and posting a letter containing the notice, and unless the contrary is proved to have been effected at the time at which the letter would be delivered in the ordinary course of post.

Names, Addresses, and Descriptions of Subscribers.

"1. John Jones of	in the county of	merchant.
"2. John Smith of	in the county of	
"3. Thomas Green of	in the county of	
"4. John Thompson of	in the county of	
"5. Caleb White of	in the county of	
"6. Andrew Brown of	in the county of	
"7. Cæsar White of	in the county of	

Dated the day of 19

Witness to the above signatures,
A.B., No. 13, Hute Street, Clerkenwell, London.

FORM C.

MEMORANDUM and ARTICLES of ASSOCIATION of a company limited by guarantee, and having a share capital.

Memorandum of Association.

1st. The name of the company is "The Highland Hotel Company, Limited."

2nd. The registered office of the company will be situate in Scotland.

3rd. The objects for which the company is established are "the "facilitating travelling in the Highlands of Scotland, by providing "hotels and conveyances by sea and by land for the accommodation of "travellers, and the doing all such other things as are incidental or "conducive to the attainment of the above object."

4th. The liability of the members is limited.

5th. Every member of the company undertakes to contribute to the assets of the company in the event of its being wound up while he is a

member, or within one year afterwards, for payment of the debts and liabilities of the company, contracted before he ceases to be a member, and the costs, charges, and expenses of winding up the same and for the adjustment of the rights of the contributories amongst themselves, such amount as may be required, not exceeding twenty pounds.

6th. The share capital of the company shall consist of five hundred thousand pounds, divided into five thousand shares of one hundred pounds each.

We, the several persons whose names and addresses are subscribed, are desirous of being formed into a company, in pursuance of this memorandum of association, and we respectively agree to take the number of shares in the capital of the company set opposite our respective names.

Names, Addresses, and Description of Subscribers.		Number of Shares taken by each Subscriber.
" 1. John Jones of	in the county of -	200
" 2. John Smith of	in the county of -	25
" 3. Thomas Green of	in the county of -	30
" 4. John Thompson of	in the county of -	40
" 5. Caleb White of	in the county of -	15
" 6. Andrew Brown of	in the county of -	5
" 7. Cæsar White of	in the county of -	10
	Total shares taken - - -	325

Dated the day of 19 .

Witness to the above signatures,
A.B., No. 13, Hute Street, Clerkenwell, London.

Articles of Association to accompany preceding Memorandum of Association.

1. The directors may, with the sanction of the company in general meeting, reduce the amount of shares in the company.

2. The directors may, with the sanction of the company in general meeting, cancel any shares belonging to the company.

3. All the articles of Table A. of the Companies (Consolidation) Act, 1908, shall be deemed to be incorporated with these articles and to apply to the company.

Names, Addresses, and Description of Subscribers.

" 1. John Jones of	in the county of	merchant.
" 2. John Smith of	in the county of	
" 3. Thomas Green of	in the county of	
" 4. John Thompson of	in the county of	
" 5. Caleb White of	in the county of	
" 6. Andrew Brown of	in the county of	
" 7. Cæsar White of	in the county of	

Dated the day of 19 .

Witness to the above signatures,
A.B., No. 13, Hute Street, Clerkenwell, London.

FORM D.

MEMORANDUM and ARTICLES of ASSOCIATION of an unlimited company having a share capital.

Memorandum of Association.

1st. The name of the company is "The Patent Stereotype Company."

2nd. The registered office of the company will be situate in England.

3rd. The objects for which the company is established are "the "working of a patent method of founding and casting stereotype plates, "of which method John Smith, of London, is the sole patentee."

WE the several persons whose names are subscribed, are desirous of being formed into a company, in pursuance of this memorandum of association, and we respectively agree to take the number of shares in the capital of the company set opposite our respective names.

Names, Addresses, and Description of Subscribers.		Number of Shares taken by each Subscriber.
" 1. John Jones of	in the county of -	3
" 2. John Smith of	in the county of -	2
" 3. Thomas Green of	in the county of -	1
" 4. John Thompson of	in the county of -	2
" 5. Caleb White of	in the county of -	2
" 6. Andrew Brown of	in the county of -	1
" 7. Abel Brown of	in the county of -	1
	Total shares taken - - -	12

Dated the day of 19 .

Witness to the above signatures,
A.B., No. 20, Bond Street, London.

Articles of Association to accompany the preceding Memorandum of Association.

1. The share capital of the company is two thousand pounds, divided into twenty shares of one hundred pounds each.

2. All the articles of Table A. of the Companies (Consolidation) Act, 1908, shall be deemed to be incorporated with these articles, and to apply to the company.

Names, Addresses, and Description of Subscribers.

" 1. John Jones of	in the county of	merchant.
" 2. John Smith of	in the county of	
" 3. Thomas Green of	in the county of	
" 4. John Thompson of	in the county of	
" 5. Caleb White of	in the county of	
" 6. Andrew Brown of	in the county of	
" 7. Abel Brown of	in the county of	

Dated the day of 19 .

Witness to the above signatures,
A.B., No. 20, Bond Street, London.

FORM E. as required by Part II. of the Act. Section 26.

SUMMARY of SHARE CAPITAL and SHARES of the COMPANY, LIMITED, made up to the day of 19 (being the fourteenth day after the date of the first ordinary general meeting in 19).

Nominal share capital £ divided into[1] { shares of £ each. / shares of £ each.

Total number of shares taken up[1] to the day of 19 (which number must agree with the total shown in the list as held by existing members).

Number of shares issued subject to payment wholly in cash

Number of shares issued as fully paid up otherwise than in cash ... ...

Number of shares issued as partly paid up to the extent of per share otherwise than in cash ... ...

[2]There has been called up on each of shares, £ .

There has been called up on each of shares, £ .

[2]There has been called up on each of shares, £ .

[3]Total amount of calls received, including payments on application and allotment ... ... £ .

Total amount (if any) agreed to be considered as paid on shares which have been issued as fully paid up otherwise than in cash ... ... £ .

Total amount (if any) agreed to be considered as paid on shares which have been issued as partly paid up to the extent of per share ... ... £ .

Total amount of calls unpaid ... ... £ .

Total amount (if any) of sums paid by way of commission in respect of shares or debentures or allowed by way of discount since date of last summary ... ... £ .

Total amount (if any) paid on[4] shares forfeited ... £ .

Total amount of shares and stock for which share warrants are outstanding ... ... £ .

Total amount of share warrants issued and surrendered respectively since date of last summary ... ... £ .

Number of shares or amount of stock comprised in each share warrant ... ...

Total amount of debt due from the company in respect of all mortgages and charges which are required (or, in the case of a company registered in Scotland, which, if the company had been registered in England, would be required) to be registered with the registrar of companies, or which would require registration if created after the first day of July nineteen hundred and eight ... ... £ .

STATEMENT in the form of a balance sheet made up to the day of 19 containing the particulars of the capital, liabilities, and assets of the company.

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[1] When there are shares of different kinds or amounts (*e.g.*, Preference and Ordinary, or 10*l.* or 5*l.*) state the numbers and nominal values separately.

[2] Where various amounts have been called or there are shares of different kinds state them separately.

[3] Include what has been received on forfeited as well as on existing shares.

[4] State the aggregate number of shares forfeited (if any).

The Return must be signed at the end by the manager or secretary of the company.

Presented for filing by _____

LIST OF PERSONS holding shares in the _____ Company Limited, on the _____ day of _____ 19 _____, and of persons who have held shares therein at any time since the date of the last return, showing their names and addresses and an account of the shares so held.

Folio in Register Ledger containing Particulars.	NAMES, ADDRESSES, AND OCCUPATIONS.				ACCOUNT OF SHARES.					
	Surname.	Christian Name.	Address.	Occupation.	†Number of Shares held by existing Members at Date of Return.	§ Particulars of Shares transferred since the Date of the last Return by Persons who are still Members.		§ Particulars of Shares transferred since the Date of the last Return by Persons who have ceased to be Members.		Remarks.
						Number.‡	Date of Registration of Transfer.	Number.‡	Date of Registration of Transfer.	

† The aggregate number of shares held, and not the distinctive numbers, must be stated, and the column must be added up throughout so as to make one total to agree with that stated in the summary to have been taken up.

‡ When the shares are of different classes these columns may be subdivided so that the number of each class held or transferred may be shown separately.

§ The date of registration of each transfer should be given as well as the number of shares transferred on each date. The particulars should be placed opposite the name of the transferor and not opposite that of the transferee, but the name of the transferee may be inserted in the "Remarks" column immediately opposite the particulars of each transfer.

NAMES AND ADDRESSES of the persons who are the Directors of the _____ Limited on the _____ day of _____ 19 _____.

Names.	Addresses.

NOTE.—Banking companies must add a list of all their places of business.

(Signature) _____

(State whether manager or secretary) _____

Section 20.

FORM F.

LICENCE TO HOLD LANDS.

The Board of Trade hereby license the _____ to hold the lands hereunder described (*insert description of lands*) [*or* to hold lands not exceeding in the whole _____ acres].

The conditions of this licence are (*insert conditions, if any*).

FOURTH SCHEDULE.

Section 181.

PART I.

ORDERS PRONOUNCED IN VACATION IN SCOTLAND WHICH ARE TO BE FINAL.

Orders :—	
As to time for proving claims.	s. 169.
As to the attendance of, and production of documents by, persons indebted to, or having property of, or information as to the affairs or property of, a company.	s. 174.
As to meetings for ascertaining wishes of creditors or contributories.	s. 219.
As to summoning meetings of creditors or contributories where a compromise is proposed.	s. 120.
As to the examination of witnesses in regard to the property or affairs of a company.	s. 227.

PART II.

ORDERS PRONOUNCED IN VACATION IN SCOTLAND WHICH ARE TO TAKE EFFECT UNTIL RECLAIMING NOTE DISPOSED OF.

Orders :—	
Restraining or permitting commencement or continuance of legal proceedings.	ss. 140, 142, 144, 266, 270, 271.
Appointing an official liquidator to fill a vacancy, or appointing (except to fill a vacancy caused by the removal of a liquidator by the court) a liquidator for a winding up voluntarily or under supervision.	ss. 149, 186, 202.
Sanctioning the exercise of any power by an official liquidator other than the power to appoint a law agent or to sell property.	s. 151.
Requiring the delivery of property or documents to the official liquidator.	s. 164.
As to the arrest and detention of an absconding contributory and his property.	s. 176.
Limiting the powers of provisional official liquidators.	s. 151 (5).
For continuance of winding-up under supervision.	s. 199.

FIFTH SCHEDULE.

PROVISIONS REFERRED TO IN SECTION 281 OF THE ACT. Section 281.

Provisions relating to—	
The conclusiveness of certificates of incorporation ;	s. 17.
Restrictions on appointments or advertisement of directors ;	s. 72.
Restrictions on commencement of business ;	s. 87
Returns as to allotments ;	s. 88.
Statutory meetings ;	s. 65.

s. 26.	The particulars as to directors and mortgage debt and the statement in the form of a balance sheet in the annual summary ;
ss. 112, 113.	The appointment and remuneration, and powers and duties, of auditors ;
s. 82.	Obligations of companies where no prospectus is issued ;
s. 93.	Registration of mortgages and charges in England and Ireland ;
s. 95.	Filing of accounts of receiver and manager ;
s. 187.	Notice by liquidator in voluntary winding-up of his appointment ;
s. 188.	Rights of creditors in a voluntary winding-up ;
s. 274.	Requirements as to companies established outside the United Kingdom ; and
s. 283.	Annual report by Board of Trade.

SIXTH SCHEDULE.

PART I.

Section 286.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title of Act.	Extent of Repeal.
25 & 26 Vict. c. 89.	The Companies Act, 1862	The whole Act.
27 Vict. c. 19.	The Companies Seals Act, 1864.	The whole Act.
30 & 31 Vict. c. 131.	The Companies Act, 1867	The whole Act.
32 & 33 Vict. c. 19.	The Stannaries Act, 1869	Sections twenty-five, twenty-six, and thirty-four.
33 & 34 Vict. c. 104.	The Joint Stock Companies Arrangement Act, 1870.	The whole Act.
37 & 38 Vict. c. 94.	Conveyancing (Scotland) Act, 1874.	Section fifty-six.
38 & 39 Vict. c. 77.	The Supreme Court of Judicature Act, 1875.	Section ten, so far as relates to the winding up of companies.
40 & 41 Vict. c. 26.	The Companies Act, 1877	The whole Act.
40 & 41 Vict. c. 57.	The Supreme Court of Judicature (Ireland) Act, 1877.	Subsection (1) of section twenty-eight, so far as relates to the winding up of companies.
42 & 43 Vict. c. 76.	The Companies Act, 1879	The whole Act.

Session and Chapter.	Short Title of Act.	Extent of Repeal.
43 Vict. c. 19.	The Companies Act, 1880	The whole Act.
46 & 47 Vict. c. 30.	The Companies (Colonial Registers) Act, 1883.	The whole Act.
49 Vict. c. 23.	The Companies Act, 1886	The whole Act.
50 & 51 Vict. c. 43.	The Stannaries Act, 1887	Sections nine and ten; section thirteen from "Upon the winding up" to the end of the section (being paragraph (2)); and section thirty-one.
50 & 51 Vict. c. 47.	The Trustee Savings Banks Act, 1887.	Section three.
51 & 52 Vict. c. 62.	The Preferential Payments in Bankruptcy Act, 1888.	Sections one, two, and three, so far as they relate to companies.
52 & 53 Vict. c. 42.	The Revenue Act, 1889 -	Section eighteen.
52 & 53 Vict. c. 60.	The Preferential Payments in Bankruptcy (Ireland) Act, 1889.	Section four, so far as relates to companies.
53 & 54 Vict. c. 62.	The Companies (Memorandum of Association) Act, 1890.	The whole Act.
53 & 54 Vict. c. 63.	The Companies (Winding up) Act, 1890.	The whole Act.
53 & 54 Vict. c. 64.	The Directors Liability Act, 1890.	The whole Act.
56 & 57 Vict. c. 58.	The Companies (Winding up) Act, 1893.	The whole Act.
60 & 61 Vict. c. 19.	The Preferential Payments in Bankruptcy Amendment Act, 1897.	The whole Act.
61 & 62 Vict. c. 26.	The Companies Act, 1898	The whole Act.
63 & 64 Vict. c. 48.	The Companies Act, 1900	The whole Act.
7 Edw. 7. c. 24.	The Limited Partnerships Act, 1907.	Subsection (4) of section six.
7 Edw. 7. c. 50.	The Companies Act, 1907	The whole Act.
8 Edw. 7. c. 12.	The Companies Act, 1908	The whole Act.

PART II.

Section 286.

AN ACT TO REGULATE JOINT STOCK BANKS IN ENGLAND (7 & 8 VICT. c. 113), s. 47.

Existing companies to have the powers of suing and being sued.

Every company of more than six persons established on the sixth day of May one thousand eight hundred and forty-four, for the purpose of carrying on the trade or business of bankers within the distance of sixty-five miles from London, and not within the provisions of the Act passed in the session of the seventh and eighth years of Queen Victoria, chapter one hundred and thirteen, intituled "An Act to regulate Joint Stock Banks in England," shall have the same powers and privileges of suing and being sued in the name of any one of the public officers of such co-partnership as the nominal plaintiff, petitioner, or defendant on behalf of such co-partnership; and all judgments, decrees, and orders made and obtained in any such suit may be enforced in like manner as is provided with respect to such companies carrying on the said trade or business at any place in England exceeding the distance of sixty-five miles from London under the provisions of the Country Bankers Act, 1826, provided that such first-mentioned company shall make out and deliver from time to time to the Commissioners of Inland Revenue the several accounts or returns required by the last-mentioned Act, and all the provisions of the last-recited Act as to such accounts or returns shall be taken to apply to the accounts or returns so made out and delivered by such first-mentioned companies as if they had been originally included in the provisions of the last-recited Act.

THE JOINT STOCK BANKING COMPANIES ACT, 1857, PART OF s. 12.

Power to form banking partnerships of ten persons.

Notwithstanding anything contained in any Act passed in the session holden in the seventh and eighth years of Queen Victoria, chapter one hundred and thirteen, and intituled "An Act to regulate Joint Stock Banks in England," or in any other Act, it shall be lawful for any number of persons, not exceeding ten, to carry on in partnership the business of banking, in the same manner and upon the same conditions in all respects as any company of not more than six persons could before the passing of the Joint Stock Banking Companies Act, 1857, have carried on such business.

LIBRARY OF THE BOMBAY BRANCH OF THE ROYAL ASIATIC SOCIETY

TABLE II.

A

TABLE

OF

The TITLES of the LOCAL and PRIVATE Acts (including the PUBLIC ACTS of a Local Character) passed during the Session (arranged according to chapter) 8 EDWARD 7.—A.D. 1908.

LOCAL ACTS.

The Titles to which the Letter **P.** *is prefixed are Public Acts of a Local Character.*

ROYAL ASSENT, 27th March 1908.

P. i. AN Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to the Transfer of Training Colleges in Scotland. (*Transfer of Training Colleges (Scotland) Order Confirmation.*)

P. ii. An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to the Clyde Navigation. (*Clyde Navigation (Superannuation) Order Confirmation.*)

iii. An Act to provide for the creation and management of the Madras Railway Annuities and for other purposes. (*Madras Railway Annuities.*)

ROYAL ASSENT, 14th April 1908.

iv. An Act to authorise the sale of Herne Bay Pier and for other purposes. (*Herne Bay Pier.*)

Royal Assent, 18th June 1908.

v. An Act to provide for a superannuation scheme for officers and servants of the Great Western Railway Company in substitution for the Great Western Railway Superannuation Fund established under the provisions of the Great Western Railway Act 1864. (*Great Western Railway (Superannuation Scheme).*)

vi. An Act to confer further powers on the Dublin and South Eastern Railway Company in relation to their general undertaking and their separate undertakings of the New Ross and Waterford Extension Railways and the City of Dublin Junction Railways and for other purposes. (*Dublin and South Eastern Railway.*)

vii. An Act to amend the Glasgow Building Regulations Act 1900. (*Glasgow Corporation.*)

viii. An Act to make further provision with respect to the discharge of compensation waters from the water undertaking of the mayor aldermen and burgesses of the county borough of Huddersfield. (*Huddersfield Water.*)

ix. An Act for conferring further powers upon the Derby Gas Light and Coke Company. (*Derby Gas.*)

x. An Act to make provision for dealing with the arrears of dividend on the preferred shares of the Interoceanic Railway of Mexico (Acapulco to Vera Cruz) Limited and for the increase and re-arrangement of the capital of the Company and for other purposes. (*Interoceanic Railway of Mexico (Acapulco to Vera Cruz) Limited.*)

xi. An Act to make provision with reference to the registration under the Companies Acts 1862 to 1907 of the Norwich Union Fire Insurance Society as a limited company and the alteration of its constitution the extension of its objects and business and the subdivision of its shares by substituting a memorandum and articles of association for its deed of settlement and existing laws and regulations and for the repeal of the Norwich Union Fire Insurance Society's Act 1879 and for other purposes. (*Norwich Union Fire Insurance Society Limited.*)

xii. An Act to authorise the Rhymney Railway Company to reconstruct their Cardiff Passenger Station to make a new railway to raise additional capital and for other purposes. (*Rhymney Railway.*)

xiii. An Act to extend the period for the completion of the railway authorised by the Knott End Railway Act 1898 to provide for the acquisition by the Knott End Railway Company of the undertaking of the Garstang and Knot End Railway Company and for other purposes. (*Knott End Railway.*)

xiv. An Act for conferring further powers upon the Dartford Gas Company and for other purposes. (*Dartford Gas.*)

xv. An Act for conferring further powers upon the Great Eastern Railway Company for extending the time limited by former Acts for the completion of works and the purchase of lands and for other purposes. (*Great Eastern Railway (General Powers).*)

xvi. An Act to amend the borrowing powers of the urban district council of Dundalk and for other purposes. (*Dundalk Urban District Council.*)

xvii. An Act to empower the Fishguard and Rosslare Railways and Harbours Company to construct Harbour Works at Fishguard in substitution for certain authorised Harbour Works and Railways in connection therewith and for other purposes. (*Fishguard and Rosslare Railways and Harbours.*)

xviii. An Act to increase and regulate the Capital of the Argentine North Eastern Railway Company Limited and to fund the arrears of dividend on its preferred stock by the issue of fully paid stock and for other purposes. (*Argentine North Eastern Railway Company Limited.*)

xix. An Act to provide for the granting of superannuation allowances to the officers and servants of the Councils of the metropolitan boroughs of Camberwell Deptford and Hackney and for other purposes. (*Camberwell and other Metropolitan Borough Councils (Superannuation).*)

xx. An Act to confer further powers upon the mayor aldermen and burgesses of the borough of Rochdale with reference to their water tramway and electrical undertakings to authorise the construction of a new street and for other purposes. (*Rochdale Corporation.*)

xxi. An Act to provide for the granting of superannuation allowances to the officers and servants of the Council of the metropolitan borough of Saint Marylebone and for other purposes. (*Saint Marylebone Borough Council (Superannuation).*)

xxii. An Act to authorise the urban district council of Skegness to purchase the undertaking of the Skegness Water Company and to make further and better provisions in regard to the health local government and improvement of the district and for other purposes. (*Skegness Urban District Council.*)

xxiii. An Act to enable the Cheshire Lines Committee to acquire additional lands to extend the time for the sale of superfluous lands and for other purposes. (*Cheshire Lines.*)

xxiv. An Act to authorise the Llanelly Gaslight Company to raise additional capital and for other purposes. (*Llanelly Gas.*)

xxv. An Act for extending and varying the powers of the Great Western Railway Company in respect of certain authorised railways and works and for other purposes. (*Great Western Railway.*)

xxvi. An Act to extend the time for the purchase of lands for and for the completion of certain works authorised by the Hull Barnsley and West Riding Junction Railway and Dock (South Yorkshire Extension Lines) Act 1902 to authorise the Hull and Barnsley Railway Company to construct new railways and for other purposes. (*Hull and Barnsley Railway.*)

P. xxvii. An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Edinburgh Corporation (Tramways &c.). (*Edinburgh Corporation (Tramways &c.) Order Confirmation.*)

P. xxviii. An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Loch Leven Water Power. (*Loch Leven Water Power Order Confirmation.*)

P. xxix. An Act to confirm a Provisional Order made by the Board of Trade under the Tramways Act 1870 relating to Manchester Corporation Tramways. (*Tramways Order Confirmation (No. 1).*)

P. xxx. An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Leith Harbour and Docks. (*Leith Harbour and Docks Order Confirmation.*)

P. xxxi. An Act to confirm a Provisional Order made by one of His Majesty's Principal Secretaries of State under the Metropolitan Police Act 1886 and the Metropolitan Police Courts Act 1897. (*Metropolitan Police Provisional Order Confirmation.*)

Royal Assent, 1st August 1908.

xxxii. An Act to confirm the construction by the Conway and Colwyn Bay Joint Water Supply Board of their existing works and to confer upon them further powers and for other purposes. (*Conway and Colwyn Bay Joint Water Supply Board.*)

xxxiii. An Act to confer further powers upon the Corporation of the City of Lincoln with respect to their water undertaking and to authorise the Corporation to construct additional waterworks and to extend their limits for the supply of water to consolidate the loans and sinking funds of the Corporation and to borrow money and for other purposes. (*Lincoln Corporation (Water &c.).*)

xxxiv. An Act to confer additional powers upon the North Eastern Railway Company for the construction of new railways and other works and the acquisition of lands and upon the Midland and North Eastern Railway Companies Committee for the acquisition of lands to provide for the transfer to the South Yorkshire Joint Line Committee of certain powers of the Hull and Barnsley Railway Company and for other purposes. (*North Eastern Railway.*)

xxxv. An Act for conferring further powers upon the North East London Railway Company. (*North East London Railway.*)

xxxvi. An Act to extend the time for the compulsory purchase of lands for and completion of works authorised by the Bury and District Joint Water Board Act 1903. (*Bury and District Joint Water Board.*)

xxxvii. An Act to confer further powers upon the Draycott Gas Company to repeal certain powers of the Long Eaton Gas Company and for other purposes. (*Draycott Gas.*)

xxxviii. An Act for empowering the Cardiff Railway Company to construct new railways for extending the time for the purchase of certain lands and for the completion of certain railways for reviving the powers of the Company to construct certain works for confirming an agreement between the Caerphilly Urban District Council and the Company and for other purposes. (*Cardiff Railway.*)

xxxix. An Act for transferring to the University of London the powers and duties of King's College London in relation to instruction of a university standard in subjects comprised within the faculties in the university other than the faculty of theology and for other matters connected therewith. (*King's College London (Transfer).*)

xl. An Act to alter the constitution of the Ashton-under-Lyne Stalybridge and Dukinfield (District) Waterworks Joint Committee and to make the Audenshaw Urban District Council a combining authority and to make further and better provision with regard to the improvement health local government and finance of the urban district of Audenshaw and for other purposes. (*Audenshaw Urban District Council.*)

xli. An Act for incorporating and conferring powers on the Tawe Valley Gas Company and for other purposes. (*Tawe Valley Gas.*)

xlii. An Act to extend the time for the construction of certain authorised tramways of the Bristol Tramways and Carriage Company Limited and for the acquisition of lands in connexion therewith and for other purposes. (*Bristol Tramways.*)

xliii. An Act for enabling the Cambrian Railways Company to raise further money by the creation and issue of debenture stock. (*Cambrian Railways (Debenture Stock).*)

xliv. An Act to provide for the transfer of the undertaking of the Ocean Marine Insurance Company Limited to the North British and Mercantile Insurance Company to increase the capital of and to amend the Acts relating to the latter Company and for other purposes. (*North British and Mercantile Insurance Company's.*)

xlv. An Act to provide for the sale of the property of the Upton-upon-Severn Town Hall Trustees and for other purposes. (*Upton Town Hall.*)

xlvi. An Act to authorise the sale of the water undertakings of the Blaydon Urban District Council and the Ryton Urban District Council to confer powers upon the Weardale and Consett Water Company and the Newcastle and Gateshead Water Company and for other purposes. (*Blaydon and Ryton Water (Transfer).*)

xlvii. An Act to provide for the amalgamation of the Crays Gas Company with the Bromley Gas Consumers Company and for other purposes. (*Bromley and Crays Gas.*)

xlviii. An Act to empower the Corporation of Stockport to construct a temporary tramroad and other works in connection with their waterworks and for other purposes. (*Stockport Corporation.*)

xlix. An Act to authorise the Humber Commercial Railway and Dock Company to acquire additional lands and to make road works for the purposes of their dock at Immingham to authorise the said Dock Company and the Great Central Railway Company to acquire additional lands for the purpose of forming junctions between the Dock Company's railways and the Grimsby District Light Railway and for other purposes. (*Humber Commercial Railway and Dock.*)

l. An Act to incorporate and confer powers on the Southwell District Gas Company and for other purposes. (*Southwell District Gas.*)

li. An Act for transferring to and vesting in the Great Northern Railway Company the undertaking of the Louth and East Coast Railway Company and for other purposes. (*Louth and East Coast Railway (Transfer).*)

lii. An Act to enable the Seaham Harbour Dock Company to raise additional capital and for other purposes. (*Seaham Harbour Dock.*)

liii. An Act to confer further powers on the Camborne Water Company for the raising of capital and for other purposes. (*Camborne Water.*)

liv. An Act to extend the water limits of the urban district council of Briton Ferry and to enlarge their powers in various respects and for other purposes. (*Briton Ferry Urban District Council.*)

lv. An Act to empower the lord mayor aldermen and burgesses of the city of Bristol to construct dock railways and for other purposes. (*Bristol Corporation.*)

lvi. An Act to extend the limits for the supply of gas and water by the mayor aldermen and burgesses of the county borough of Leicester and to confer further powers with respect to electricity milk supply and streets and buildings and to make further provision with respect to sanitary matters and for the good government of the borough and for other purposes. (*Leicester Corporation.*)

lvii. An Act to make better provisions for the constitution of the Court of Wardens and Assistants of Rochester Bridge in the county of Kent to empower the Court to contribute to the funds of the New College of Cobham in the same county and for other purposes. (*Rochester Bridge.*)

lviii. An Act to empower the mayor aldermen and burgesses of the borough of Doncaster to construct a new road a light railway and other works within the borough and for other purposes. (*Doncaster Corporation.*)

lix. An Act to extend the boundaries of the burgh of Motherwell to authorise the provost magistrates and councillors of the said burgh to construct and maintain sewers and sewage purification works to acquire lands for sewage purification and for other purposes. (*Motherwell Burgh Extension and Sewage Purification.*)

lx. An Act to incorporate and confer powers upon the Swinton and Mexbrough Gas Light Company. (*Swinton and Mexbrough Gas.*)

lxi. An Act to empower the corporation of Merthyr Tydfil to construct street works and to provide recreation grounds and to make further and better provision with regard to the health improvement and good government of the borough and for other purposes. (*Merthyr Tydfil Corporation.*)

lxii. An Act for conferring further powers upon the Garw and Ogmore Gas Company. (*Garw and Ogmore Gas.*)

lxiii. An Act to enable the Barry Railway Company to construct new railways and for other purposes. (*Barry Railway.*)

lxiv. An Act for making further provision respecting the capital and undertaking of the Metropolitan District Railway Company to authorise the abandonment of works authorised by the Metropolitan District Railway Acts 1897 and 1903 and for other purposes. (*Metropolitan District Railway.*)

lxv. An Act to confer further powers upon the Taff Vale Railway Company with respect to their Penarth harbour and dock undertaking and for other purposes. (*Taff Vale Railway.*)

lxvi. An Act to provide for the substitution of a memorandum and articles of association for the provisions of the Northern Assurance Acts 1865 1874 1889 and 1899 for the registration of the Northern Assurance Company under the Companies Acts 1862 to 1907 as a company limited by shares and for other purposes. (*Northern Assurance.*)

lxvii. An Act to make provision with reference to the substitution of a memorandum and articles of association for the existing constitution and regulations of the Commercial Union Assurance Company Limited and for extending its objects and to repeal the Commercial Union Assurance Company Limited Act 1886 the Commercial Union Assurance Company Limited Act 1890 and the Commercial Union Assurance Company Limited Act 1900 and for other purposes. (*Commercial Union Assurance Company Limited.*)

lxviii. An Act to empower the Corporation of Leeds to acquire lands and construct works for the disposal of sewage and to lay down tramways and for other purposes. (*Leeds Corporation.*)

lxix. An Act to confer further powers upon the Pontypridd Waterworks Company and for other purposes. (*Pontypridd Waterworks and Tramroad.*)

lxx. An Act for the dissolution and re-incorporation of the Bognor Gaslight and Coke Company Limited and for other purposes. (*Bognor Gaslight and Coke Company.*)

lxxi. An Act to make further provision in regard to the undertaking of the South Wales Electrical Power Distribution Company. (*South Wales Electrical Power Distribution Company.*)

lxxii. An Act to authorise the Undertakers of the Aire and Calder Navigation to construct works and acquire lands in connection with their undertaking to amend the Acts relating to the Undertakers to confer further powers upon them and for other purposes. (*Aire and Calder Navigation.*)

lxxiii. An Act to empower the Glyncorrwg Urban District Council to construct sewerage works and new roads and for other purposes. (*Glyncorrwg Urban District Council.*)

lxxiv. An Act to confer further powers on the provost magistrates and councillors of the burgh of Wishaw in connexion with their electricity undertaking to authorise the laying of mains and pipes in connexion with the supply of gas beyond the burgh and for other purposes. (*Wishaw Burgh Electricity &c.*)

lxxv. An Act to extend the time for the construction of tramways by the Corporation of Wolverhampton and to make further provision in regard to the tramway and water undertakings of the Corporation and the health local government and improvement of their borough and for other purposes. (*Wolverhampton Corporation.*)

lxxvi. An Act to confer further powers on the Urban District Council of Finchley in relation to their electricity undertaking and to make further and better provision with regard to the improvement health local government and finance of the district and for other purposes. (*Finchley Urban District Council.*)

lxxvii. An Act for amalgamating the Undertakings of the Stratford-upon-Avon Towcester and Midland Junction Railway Company the Evesham Redditch and Stratford-upon-Avon Junction Railway Company and the East and West Junction Railway Company and for other purposes. (*Stratford-upon-Avon and Midland Junction Railway (Amalgamation).*)

lxxviii. An Act to empower the London County Council to construct and work tramways and make a new street and street improvements and other works in the county of London and for other purposes. (*London County Council (Tramways and Improvements).*)

lxxix. An Act to regulate the expenditure of money by the London County Council on capital account during the current financial period and the raising of money to meet such expenditure and for other purposes. (*London County Council (Money).*)

lxxx. An Act for the abandonment of a portion of the Macclesfield and District Tramways and for other purposes. (*Macclesfield and District Tramways (Abandonment).*)

lxxxi. An Act to appoint Special Trustees in regard to certain land and premises of the Honourable Artillery Company and for other purposes. (*Honourable Artillery Company.*)

lxxxii. An Act to authorise the provost magistrates and councillors of the burgh of Leith to construct additional tramways and to execute street improvements and for other purposes. (*Leith Burgh.*)

lxxxiii. An Act to extend the time for the completion of certain works by the London Brighton and South Coast Railway Company to authorise certain street works in the borough of Worthing and to confer certain powers upon the corporation of Worthing with reference thereto and for other purposes. (*London Brighton and South Coast Railway.*)

lxxxiv. An Act for empowering the Corporation of the city of Liverpool to execute a widening of Hornby Road to construct a tramway in the township of Litherland and to establish a compensation insurance fund in respect of their officers servants and workmen for making further provisions relating to the water undertaking of the Corporation for making further regulations with respect to buildings sewers and sanitary matters for making certain licensing and registration regulations for authorising the Corporation to purchase the undertaking of the Liverpool Crematorium Company Limited and for other purposes. (*Liverpool Corporation (General Powers).*)

lxxxv. An Act for conferring further powers on the Tyne Improvement Commissioners in reference to dredging. (*Tyne Improvement.*)

lxxxvi. An Act to confer further powers upon the Corporation of Widnes in relation to their water gas and market undertakings and the Widnes and Runcorn Bridge undertaking to authorise them to provide and work omnibuses and to make further and better provision for the health improvement and good government of the borough of Widnes and for other purposes. (*Widnes Corporation.*)

lxxxvii. An Act to confer further powers upon the mayor aldermen and burgesses of the borough of Margate with regard to the audit of accounts and to make further provision with regard to the health local government and improvement of the borough and for other purposes. (*Margate Corporation.*)

lxxxviii. An Act to confer further powers upon the lord mayor aldermen and citizens of the city of Manchester with reference to the construction of waterworks street works and sewerage works and otherwise for the better local government and improvement of the city and for other purposes. (*Manchester Corporation.*)

lxxxix. An Act to authorise the corporation of Burnley to construct additional waterworks tramways and street improvements to amend and extend the Acts relating to the borough to confer further powers with respect to the supply of gas water and electricity to make further provisions for the health local government and improvement of the said borough and for other purposes. (*Burnley Corporation.*)

xc. An Act to sanction and confirm the existing water undertaking of the urban district council of Ammanford in the county of Carmarthen and for other purposes. (*Ammanford Urban District Council (Water).*)

xci. An Act to empower the Metropolitan Electric Tramways Limited to construct a new tramway and widen certain streets and roads and for other purposes. (*Metropolitan Electric Tramways.*)

xcii. An Act for conferring further powers on the Rhymney and Aber Valleys Gas and Water Company. (*Rhymney and Aber Valleys Gas and Water.*)

xciii. An Act to constitute and incorporate a Gas Board for the urban districts of Wath-upon-Dearne and Bolton-upon-Dearne in the west riding of the county of York and to transfer to and vest in such Board the undertaking of the Wath-upon-Dearne and District Gas Company Limited and for other purposes. (*Wath and Bolton Gas Board.*)

xciv. An Act to empower the South West Suburban Water Company to raise additional capital and for other purposes. (*South West Suburban Water.*)

xcv. An Act to authorise the corporation of the county borough of Blackburn to construct new tramways in the borough to make street and bridge improvements to borrow money and for other purposes. (*Blackburn Corporation.*)

xcvi. An Act to empower the mayor aldermen and burgesses of the borough of Keighley to purchase further lands in connection with their water undertaking to extend the time for the construction of certain waterworks to empower the Corporation to provide and work motor omnibuses and to extend the powers of the Corporation with regard to their gas and electricity undertakings and with regard to the health local government and improvement of the borough and for other purposes. (*Keighley Corporation.*)

xcvii. An Act to confer on the Great Northern Piccadilly and Brompton Railway Company further Powers with reference to capital and for other purposes. (*Great Northern Piccadilly and Brompton Railway.*)

xcviii. An Act to amend the Thames River Steamboat Service Act 1904 with respect to the tolls rates and charges at the piers and landing-places of the London County Council on the River Thames and for other purposes. (*Thames River Steamboat Service Act* 1904 (*Amendment*).)

xcix. An Act to incorporate and confer powers upon the Holderness Water Company for supplying water within the borough of Hedon and adjacent places in the east riding of the county of York. (*Holderness Water.*)

c. An Act for conferring further powers on the London United Tramways Limited for constructing tramways and widening and altering streets and roads and for other purposes. (*London United Tramways.*)

ci. An Act to further extend the time limited for the purchase of lands and for the construction and completion of the tramways and works authorised by the Nottinghamshire and Derbyshire Tramways Act 1903 to provide for the transfer to the corporation of Nottingham of certain of the powers of that Act to authorise the corporation to construct additional tramways and a tramroad and street improvements and for other purposes. (*Nottinghamshire and Derbyshire Tramways.*)

cii. An Act to incorporate the Sligo and Arigna Railway Company and to empower them to construct a railway in the counties of Sligo and Roscommon and for other purposes. (*Sligo and Arigna Railway.*)

ciii. An Act to authorise the urban district council of Criccieth to supply water and to acquire the undertaking of the Criccieth Waterworks Company Limited and to make further provision in regard to the local government and improvement of the district and for other purposes. (*Criccieth Water and Improvement.*)

civ. An Act to confer further powers upon the Padiham Urban District Council in relation to their gas and water undertakings and for other purposes. (*Padiham Urban District Council.*)

cv. An Act for incorporating and conferring powers on the Central Ireland Electric Power Company and for other purposes. (*Central Ireland Electric Power.*)

cvi. An Act to confer further powers upon the Gosport Gas and Coke Company. (*Gosport Gas.*)

cvii. An Act to make sanitary provisions applicable to the administrative county of London to amend the London Building Act 1894 to confer powers upon the London County Council and the councils of certain metropolitan boroughs to make provisions with respect to the drainage of parts of the metropolitan borough of Hackney and the urban districts of Tottenham and Willesden and for other purposes. (*London County Council* (*General Powers*).)

cviii. An Act to confer further powers on the Ravensthorpe Urban District Council in regard to their water and electricity undertakings and generally to improve the local government of the district. (*Ravensthorpe Urban District Council.*)

cix. An Act for making further provision respecting the undertaking and debenture stock of the Crystal Palace Company and for other purposes. (*Crystal Palace Company's.*)

cx. An Act for the preservation of the underground sources of the River Wandle. (*River Wandle Protection.*)

cxi. An Act to authorise the construction and maintenance of a graving dock and quays and other works in connexion therewith at Dover in the county of Kent. (*Dover Graving Dock.*)

P. cxii. An Act to provide for the acquisition of Land for the extension of certain Public Offices in Westminster and of the Patent Office and for certain other public purposes. (*Public Offices Sites* (*Extension*).)

P. cxiii. An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Ayr Corporation Tramways. (*Ayr Corporation Tramways Order Confirmation.*)

P. cxiv. An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Buckie Burgh and Buckie (Cluny) Harbour. (*Buckie Burgh and Buckie* (*Cluny*) *Harbour Order Confirmation.*)

P. cxv. An Act to confirm certain Provisional Orders made by the Board of Trade under the Electric Lighting Acts 1882 and 1888 relating to Bispham-with-Norbreck Caldy Manor Carmarthen Fleetwood Halesowen Heswall Lowestoft (Amendment) Lymington (Extension) Portsmouth (Amendment) Southampton (Amendment) and Woking (Extension). (*Electric Lighting Orders Confirmation* (*No.* 1).)

P. cxvi. An Act to confirm certain Provisional Orders made by the Board of Trade under the Electric Lighting Acts 1882 and 1888 the Electric Lighting (Scotland) Act 1890 and the Electric Lighting (Scotland) Act 1902 relating to Barrhead Clydebank (Amendment) Dundee (Extension) and Rutherglen (Amendment). (*Electric Lighting Orders Confirmation* (*No.* 2).)

P. cxvii. An Act to confirm certain Provisional Orders made by the Board of Trade under the Electric Lighting Acts 1882 and 1888 relating to Bridgend (Extension) Hendon (Amendment) Llandaff and Dinas Powis (Amendment) Llansamlet Oulton Broad Sowerby Bridge (Amendment) and Tewkesbury (Amendment). (*Electric Lighting Orders Confirmation* (*No.* 3).)

P. cxviii. An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Lanarkshire Tramways. (*Lanarkshire Tramways Order Confirmation.*)

P. cxix. An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Lanarkshire (Middle Ward District) Water. (*Lanarkshire* (*Middle Ward District*) *Water Order Confirmation.*)

P. cxx. An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Paisley District Tramways. (*Paisley District Tramways Order Confirmation.*)

P. cxxi. An Act to confirm a Provisional Order under the Land Drainage Act 1861 in the matter of a proposed drainage district in the Parishes of Blundeston Flixton and Oulton in the county of Suffolk. (*Land Drainage Provisional Order Confirmation.*)

P. cxxii. An Act to confirm a Scheme under the Metropolitan Commons Acts 1866 to 1898 relating to Malden Green in the county of Surrey. (*Metropolitan Commons Scheme Confirmation.*)

P. cxxiii. An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Troon (Loch Bradan) Water. (*Troon* (*Loch Bradan*) *Water Order Confirmation.*)

P. cxxiv. An Act to confirm certain Provisional Orders of the Local Government Board for Ireland relating to the rural districts of Limerick (No. 1) and Naas (No. 1) and the County of Westmeath and King's County and for other purposes. (*Local Government Board* (*Ireland*) *Provisional Orders Confirmation* (*No.* 1).)

P. cxxv. An Act to confirm certain Provisional Orders of the Local Government Board for Ireland relating to the City of Dublin and the urban district of Pembroke (two). (*Local Government Board (Ireland) Provisional Orders Confirmation (No. 2).*)

P. cxxvi. An Act to confirm certain Provisional Orders of the Local Government Board for Ireland relating to the County Borough of Belfast and the urban district of Letterkenny. (*Local Government Board (Ireland) Provisional Orders Confirmation (No. 3).*)

P. cxxvii. An Act to confirm a certain Provisional Order of the Local Government Board for Ireland relating to the Rural District of Rathdown No. 1. (*Local Government Board (Ireland) Provisional Order Confirmation (No. 4).*)

P. cxxviii. An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Galashiels Drainage and Burgh Extension. (*Galashiels Drainage and Burgh Extension Order Confirmation.*)

P. cxxix. An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Falkirk and District Water. (*Falkirk and District Water Order Confirmation.*)

P. cxxx. An Act to confirm certain Provisional Orders made by the Board of Education under the Education Acts 1870 to 1907 to enable the London County Council to put into force the Lands Clauses Acts. (*Education Board Provisional Orders Confirmation (London).*)

P. cxxxi. An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to the Glasgow and South Western Railway. (*Glasgow and South Western Railway Order Confirmation.*)

P. cxxxii. An Act to confirm certain Provisional Orders made by the Board of Trade under the Tramways Act 1870 relating to Liverpool Corporation Tramways Extensions and Potteries and North Staffordshire Tramways (Amendment). (*Tramways Orders Confirmation (No. 2).*)

P. cxxxiii. An Act to confirm certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act 1870 relating to Brough Water Burgess Hill Water Earby and Thornton Gas East Hull Gas Sevenoaks Water and Stourbridge Water. (*Gas and Water Orders Confirmation.*)

P. cxxxiv. An Act to confirm certain Provisional Orders made by the Board of Trade under the Gas and Waterworks Facilities Act 1870 relating to Caldicot and District Gas Rainford Gas Rothwell Gas Tenterden and District Gas and Woolmer and District Gas. (*Gas Orders Confirmation.*)

P. cxxxv. An Act to confirm certain Provisional Orders made by the Board of Trade under the General Pier and Harbour Act 1861 relating to Bridgwater Llandudno and Whitley Bay. (*Pier and Harbour Orders Confirmation* (*No.* 1).)

P. cxxxvi. An Act to confirm certain Provisional Orders made by the Board of Trade under the General Pier and Harbour Act 1861 relating to Gott Bay and Vaila. (*Pier and Harbour Orders Confirmation* (*No.* 2).)

P. cxxxvii. An Act to confirm a Provisional Order made by the Board of Trade under the General Pier and Harbour Act 1861 relating to Rothesay. (*Pier and Harbour Order Confirmation* (*No.* 3).)

P. cxxxviii. An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Lanark Corporation. (*Lanark Corporation* (*Extension of Boundaries &c.*) *Order Confirmation.*)

P. cxxxix. An Act to confirm a Provisional Order made by one of His Majesty's Principal Secretaries of State under the Provisional Order (Marriages) Act 1905. (*Provisional Order* (*Marriages*) *Confirmation.*)

P. cxl. An Act to confirm a Provisional Order under the Salmon and Freshwater Fisheries Act 1907 relating to the River Usk and other waters. (*Usk Fisheries Provisional Order Confirmation.*)

P. cxli. An Act to confirm a Provisional Order under the Salmon and Freshwater Fisheries Act 1907 relating to the River Wye and other waters. (*Wye Fisheries Provisional Order Confirmation.*)

P. cxlii. An Act to confirm certain Provisional Orders of the Local Government Board relating to Bath Little Lever Stanhope Stratton and Bude and the Hemel Hempstead Joint Hospital District. (*Local Government Board's Provisional Orders Confirmation* (*No.* 1).)

P. cxliii. An Act to confirm certain Provisional Orders of the Local Government Board relating to Bridlington Fulwood Romford and Weymouth and Melcombe Regis. (*Local Government Board's Provisional Orders Confirmation* (*No.* 2).)

P. cxliv. An Act to confirm certain Provisional Orders of the Local Government Board relating to Bromley Crewe Milford Haven Rhyl Sawbridgeworth and York. (*Local Government Board's Provisional Orders Confirmation* (*No.* 4).)

P. cxlv. An Act to confirm certain Provisional Orders of the Local Government Board relating to Bethnal Green Bradfield (Rural) Cambridge Spennymoor Surbiton and Worthing and the Accrington and Church Outfall Sewerage District (two). (*Local Government Board's Provisional Orders Confirmation* (*No.* 5).)

P. cxlvi. An Act to confirm certain Provisional Orders of the Local Government Board relating to East Ham Gateshead Neath Salford and Shipley and the Birmingham Tame and Rea Main Sewerage District and the Middlesex Districts Joint Small-Pox Hospital District. (*Local Government Board's Provisional Orders Confirmation* (*No.* 6).)

P. cxlvii. An Act to confirm certain Provisional Orders of the Local Government Board relating to Abergavenny Newport Newton Abbot Stockport and Waterloo-with-Seaforth and the Wirral Joint Hospital District. (*Local Government Board's Provisional Orders Confirmation* (*No.* 7).)

P. cxlviii. An Act to confirm a Provisional Order of the Local Government Board relating to Crewe. (*Local Government Board's Provisional Order Confirmation* (*No.* 8).)

P. cxlix. An Act to confirm certain Provisional Orders of the Local Government Board relating to Barry Bradford (Yorks) and Sutton in Ashfield. (*Local Government Board's Provisional Orders Confirmation* (*No.* 9).)

P. cl. An Act to confirm certain Provisional Orders of the Local Government Board relating to Bethesda Monmouth and the Aspatria Silloth and District Joint Water Board District. (*Local Government Board's Provisional Orders Confirmation* (*No* 10).)

P. cli. An Act to confirm a Provisional Order of the Local Government Board relating to Burton-upon-Trent. (*Local Government Board's Provisional Order Confirmation* (*No.* 11).)

P. clii. An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Edinburgh and District Water. (*Edinburgh and District Water Order Confirmation.*)

P. cliii. An Act to confirm a Provisional Order under the Inclosure Acts 1845 to 1899 relating to Towyn Trewan Common in the County of Anglesey. (*Commons Regulation* (*Towyn Trewan*) *Provisional Order.*)

ROYAL ASSENT, 21st December 1908.

P. cliv. An Act to confirm certain Provisional Orders made by the Board of Education under the Education Acts 1870 to 1907 to enable the Councils of the Administrative County of Cornwall and the County Borough of Swansea to put in force the Lands Clauses Acts. (*Education Board Provisional Orders Confirmation* (*Cornwall*) *&c.*)

P. clv. An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Kirkcaldy and Dysart Water. (*Kirkcaldy and Dysart Water Order Confirmation.*)

P. clvi. An Act to confirm a Scheme of the Charity Commissioners relating to the Buxton (Congregational Chapel) Charity. (*Buxton Congregational Chapel Scheme Confirmation.*)

P. clvii. An Act to confirm a Scheme of the Charity Commissioners relating to the Long Ashton (Congregational Chapel Schoolroom) Charity. (*Long Ashton Congregational Chapel Scheme Confirmation.*)

P. clviii. An Act to confirm a Scheme of the Charity Commissioners relating to the Abbots Bromley (Congregational Chapel) Charity. (*Abbots Bromley Congregational Chapel Scheme Confirmation.*)

P. clix. An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to the North British Railway. (*North British Railway Order Confirmation.*)

P. clx. An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Perth Corporation. (*Perth Corporation Order Confirmation.*)

P. clxi. An Act to enable His Majesty's Postmaster-General to acquire lands in London Glasgow Bolton Devonport Dover Ilford and Stroud for the public service and for other purposes. (*Post Office (Sites).*)

P. clxii. An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to the Edinburgh and Leith Corporations Gas. (*Edinburgh and Leith Corporations Gas Order Confirmation.*)

P. clxiii. An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Water of Leith Purification and Sewerage. (*Water of Leith Purification and Sewerage Order Confirmation.*)

P. clxiv. An Act to confirm a Provisional Order of the Local Government Board relating to the Boroughs of Burslem Hanley Longton and Stoke-upon-Trent and the Urban Districts of Fenton and Tunstall. (*Local Government Board's Provisional Order Confirmation (No. 3).*)

clxv. An Act for conferring on the Corporation of the City of Liverpool further powers for the better regulation of buildings the formation of streets and the laying out and development of estates within the City and for other purposes. (*Liverpool Corporation (Streets and Buildings).*)

clxvi. An Act for making railways in the County of Down to be called the Ards Railways and for other purposes. (*Ards Railways.*)

clxvii. An Act to confer further powers and to make further provision with respect to the supply of electrical energy in London. (*London Electric Supply.*)

clxviii. An Act to confer further powers upon the Kensington and Knightsbridge Electric Lighting Company Limited the Notting Hill Electric Lighting Company Limited the Saint James' and Pall Mall Electric Light Company Limited the Westminster Electric Supply Corporation Limited and the Central Electric Supply Company Limited with respect to the supply of electrical energy and for other purposes. (*London (Westminster and Kensington) Electric Supply Companies'.*)

PRIVATE ACT.

PRINTED BY THE KING'S PRINTER, AND WHEREOF THE PRINTED COPIES MAY BE GIVEN IN EVIDENCE.

ROYAL ASSENT, 1st August 1908.

1. An Act for authorising and requiring the trustees of the will and codicils of the Honourable Frederick James Tollemache deceased to invest part of the trust funds and property in their hands subject to the trusts of the said will and codicils upon a transfer of a mortgage for two hundred and twenty-five thousand pounds created by the Right Honourable Ada Maria Katharine Baroness Sudeley the tenant for life under the said will and codicils upon the security of her life interest under the said will and codicils and certain policies of assurance upon her own life and for other purposes. (*Tollemache Estate.*)

PRIVATE ACT.

NOT PRINTED.

ROYAL ASSENT, 18th June 1908.

An Act to dissolve the marriage of Honoria Hurly with Maurice Randall Hurly a Major in the 93rd Burma Infantry her now husband and to enable her to marry again and for other purposes. (*Hurly's Divorce.*)

TABLE IIA.

A

TABLE

OF

The TITLES of the LOCAL and PRIVATE ACTS (including the PUBLIC ACTS of a Local Character) passed during the Session 8 EDWARD 7.—A.D. 1908.

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Wath and Bolton Gas Board. c. xciii.
Widnes Corporation. c. lxxxvi.
Wishaw Burgh Electricity &c. c. lxxiv.
Wolverhampton Corporation. c. lxxv.
Wye Fisheries Provisional Order Confirmation. c. cxli.

LIBRARY OF THE BOMBAY BRANCH OF THE ROYAL ASIATIC SOCIETY

TABLE III.

Showing the Effect of the Year's Legislation.

ACTS OF FORMER SESSIONS (IN CHRONOLOGICAL ORDER) REPEALED OR AMENDED BY ACTS OF 8 EDWARD 7.*

Statute and Chapter.	Subject-matter or Short Title.	How affected.	Chapter of 8 Edw. 7.
9 Anne c. 11	Post Office (Revenues)	Rep. [*but see Terms*]	48, s. 92, Sch. II.
22 Geo. 3. c. 73	Tobacco	Repealed prospectively	10, s. 1 (1).
38 Geo. 3. c. 52	Counties of Cities	S. 8 rep. in part	15, s. 10 (1), Sch.
5 Geo. 4. c. 83	Vagrancy	S. 9 rep. in part	15, s. 10 (1), Sch.
7 Geo. 4. c. 64	Criminal Law	Ss. 22-25 repealed	15, s. 10 (1), Sch.
9 Geo. 4. c. 29	Circuit Courts (S.)	Ss. 18–20 repealed	65, s. 3, Sch. A.
11 Geo. 4. and 1 Will. 4. c. 37.	Criminal Law (S.)	Ss. 4, 5 repealed	65, s. 3, Sch. A.
1 & 2 Will. 4. c. 13	Tobacco Cultivation	Rep. prosp. as to S. Rep. as to I.	10, s. 1 (1). 16, s. 3 (4).
4 & 5 Will. 4. c. 36	Central Criminal Court	S. 12 repealed	15, s. 10 (1), Sch
5 & 6 Will. 4. c. 50	Highway	S. 95 rep. in part; s. 98 rep.	15, s. 10 (1), Sch.
6 & 7 Will. 4. c. 116	Grand Jury (I.)	S. 67 amended	29, s. 1.
7 Will. 4. & 1 Vict.			
c. 32	Post Office (Repeal of Laws)	Rep. [*but see Terms*]	48, s. 92, Sch. II.
c. 33	Post Office (Management)	Rep. [*but see Terms*]	48, s. 92, Sch. II.
c. 36	Post Office (Offences)	Rep. [*but see Terms*]	48, s. 92, Sch. II.
1 & 2 Vict. c. 82	Parkhurst Prison	S. 14 rep. in part	15, s. 10 (1), Sch.
3 & 4 Vict. :			
c. 96	Post Office (Duties)	Rep. [*but see Terms*]	48, s. 92, Sch. II.
c. 108	Municipal Corporations (I.)	S. 156 repealed	37, s. 2, Sch.
6 & 7 Vict. :			
c. 18	Parliamentary Voters Registration.	Am. ; ss. 62, 63 repealed	21, ss. 1, 2 (1), Sch.
c. 96	Libel	S. 8 repealed	15, s. 10 (1), Sch.
7 & 8 Vict. :			
c. 49	Post Office (Duties)	Rep. [*but see Terms*]	48, s. 92. Sch. II.
c. 69	Judicial Committee	S. 9 amended	51, s. 5.
8 & 9 Vict. :			
c. 18	Lands Clauses Consolidation	Ss. 71, 72 amended (for purposes of Housing of Working Classes Acts).	61, s. 11.
c. 66	Queen's Colleges (I.)	Repealed	38, s. 21, Sch.

* Acts continued annually by the Expiring Laws Continuance Act are not noticed in this Table. Repeals by the Statute Law Revision Act are not generally noticed, as being of little practical importance. When, however, a repeal extends to the whole Act, or even entire sections or schedules, it is entered in the Table.

Statute and Chapter.	Subject-matter or Short Title.	How affected.	Chapter of 8 Edw. 7.
9 & 10 Vict.:			
c. 87	Coroners (I.)	S. 39 rep. in part	37, s. 2, Sch.
c. 93	Fatal Accidents	Amended as to assessment of damages.	7, s. 1.
10 & 11 Vict. c. 85	Post Office (Duties)	Rep., except s. 16 and part of s. 20 [*but see Terms*].	48, s. 92, Sch. II.
11 & 12 Vict.:			
c. 12	Treason Felony	S. 10 repealed	15, s. 10 (1), Sch.
c. 88	Post Office (Money Orders)	Rep. [*but see Terms*]	48, s. 92, Sch. II.
12 & 13 Vict. c. 66	Colonial Inland Post Office	Rep. [*but see Terms*]	48, s. 92, Sch. II.
13 & 14 Vict. c. 101	Poor Law Amendment	S. 9 rep. in part	15, s. 10 (1), Sch.
14 & 15 Vict:			
c. 19	Prevention of Offences	S. 14 repealed	15, s. 10 (1), Sch.
c. 55	Criminal Justice Administration	S. 2 rep.; ss. 5, 6 rep. in part.	15, s. 10 (1), Sch.
15 & 16 Vict. c. 56	Pharmacy	S. 2, 12 amended	55, ss. 3 (4), 4.
17 & 18 Vict.:			
c. 91	Land Valuation (S.)	S. 8 am.; s. 36 rep. in part	62, ss. 7 (1), 31, Sch.
c. 94	Public Revenue and Consolidated Fund Charges.	Rep., so far as relates to charges or payments charged upon the Post Office Revenue [*but see Terms*].	48, s. 92, Sch. II.
c. 102	Corrupt Practices Prevention	S. 10 rep. in part; ss. 12, 13 rep.	15, s. 10 (1), Sch.
c. clxix.	Middlesex Industrial Schools	Repealed	67, s. 134 (3), Sch. III.
18 & 19 Vict. c. 78	Inland Revenue	S. 4 rep. [*but see Terms*]	48, s. 92, Sch. II.
20 & 21 Vict. c. 72	Police (S.)	S. 13 repealed	65, s. 3, Sch. A.
22 & 23 Vict.:			
c. 17	Vexatious Indictments	Extended to Incest Extended to Cruelty to Children, &c.	45, s. 4 (1); 67, s. 35.
c. cxxxiii.	Watermen's and Lightermen's Amendment.	Ss. 4–7, 24, 29–41, 61–63, 68, 81–83, 86, 87, 89, 91–93, 98, 100, 101, 103 rep.; ss. 25, 27, 52, 54, 64, 71, 80, 84, 88, 90 rep. in part.	68, s. 50, Sch. VI.
23 & 24 Vict.:			
c. 65	Post Office (Duties)	Rep. [*but see Terms*]	48, s. 92, Sch. II.
c. 74	Borough Coroners (I.)	S. 2 rep. in part	37, s. 2, Sch.
24 & 25 Vict.:			
c. 96	Larceny	S. 121 repealed	15, s. 10 (1), Sch.
c. 97	Malicious Damage	S. 77 repealed	15, s. 10 (1), Sch.
c. 98	Forgery	S. 54 repealed	15, s. 10 (1), Sch.
c. 99	Coinage Offences	S. 42 repealed	15, s. 10 (1), Sch.
c. 100	Offences against the Person	Ss. 74, 75, 77 repealed	15, s. 10 (1), Sch.
25 & 26 Vict.:			
c. 61	Highway	S. 19 rep. in part	15, s. 10 (1), Sch.
c. 89	Companies	Repealed	69, s. 286, Sch. VI. (Pt. I.).
c. cciii.	Aberdeen Police and Waterworks	Ss. 487, 488, 491–493, 496, 497, 499, 500, 502–505, 508, 515–517, 519 rep.; s. 494 rep. in part.	65, s. 3, Sch. A.

Statute and Chapter.	Subject-matter or Short Title.	How affected.	Chapter of 8 Edw. 7.
26 & 27 Vict.:			
c. 43	Post Office Lands	Rep. [*but see Terms*]	48, s. 92, Sch. II.
c. 112	Telegraph	Am., ss. 7, 21 ext.	33, ss. 2, 5 (3).
27 & 28 Vict.:			
c. 19	Companies Seals	Repealed	69, s. 286, Sch. VI. (Pt. I.).
c. 53	Summary Procedure	Repealed	65, s. 3, Sch. A.
28 & 29 Vict. c. 83	Locomotives	S. 3 rep. in part	62, s. 31, Sch.
29 & 30 Vict.:			
c. 117	Reformatory Schools	Repealed	67, s. 134 (3), Sch. III.
c. 118	Industrial Schools	Repealed	67, s. 134 (3), Sch. III.
c. cclxxiii.	Glasgow Police	Ss. 100, 107, 109, 110, 112–114, 117–122, 126–128, 130–133, 150, 152, 220 rep.; s. 88 rep. in part.	65, s. 3, Sch. A.
30 & 31 Vict.:			
c. 35	Criminal Law Amendment	Ss. 2, 5 repealed	15, s. 10 (1), Sch.
c. 80	Valuation of Lands (S.) Amendment.	S. 8 amended	62, s. 7 (2).
c. 131	Companies	Repealed	69, s. 286, Sch. VI. (Pt. I.).
31 & 32 Vict.:			
c. 25	Industrial Schools (I.)	Repealed	67, s. 134 (3), Sch. III.
c. 58	Parliamentary Electors Registration.	Am; s. 18 (par. 2) rep.	14, s. 2.
c. 59	Irish Reformatory Schools	Repealed, except s. 25	67, s. 134 (3), Sch. III.
c. 121	Pharmacy	Am.; ss. 1, 15, 16 am.; Sch. A. rep.	55, ss. 1 (1), 2 (1), 3.
32 & 33 Vict.:			
c. 19	Stannaries	Ss. 25, 26, 34 repealed	69, s. 286, Sch. VI. (Pt. I.).
c. 56	Endowed Schools	S. 22 restricted	39, s. 1 (2).
c. 62	Debtors	S. 17 repealed	15, s. 10 (1), Sch.
c. 73	Telegraph Acts	S. 23 rep. in part [*but see Terms*].	48, s. 92, Sch. II.
c. 89	Clerks of Assize, &c.	Ss. 9–11 repealed	15, s. 10 (1), Sch.
c. 131	Companies	Repealed	69, s. 286, Sch. VI. (Pt. I.).
33 & 34 Vict.:			
c. 23	Forfeiture	S. 3 repealed	15, s. 10 (1), Sch.
c. 75	Elementary Education	Ss. 27, 28, and 52 (so far as relates to industrial schools) repealed.	67, s. 134 (3), Sch. III.
c. 79	Post Office	Rep. [*but see Terms*]	48, s. 92, Sch. II.
c. 104	Joint Stock Companies Arrangement.	Repealed	69, s. 286, Sch. VI. (Pt. I.).
34 & 35 Vict.:			
c. 79	Lodgers' Goods Protection	Rep. [*but see Terms*]	53, s. 8.
c. 112	Prevention of Crimes	S. 14 repealed	67, s. 134 (3), Sch. III.
35 & 36 Vict.:			
c. 21	Reformatory and Industrial Schools Acts Amendment.	Repealed	67, s. 134 (3), Sch. III.
c. 33	Ballot	S. 24 rep. in part	15, s. 10 (1), Sch.
c. 62	Education (S.)	Repealed	67, s. 134 (3), Sch. III.
c. 93	Pawnbrokers	S. 32 rep. in part	67, s. 134 (3), Sch. III.
c. 94	Licensing	S. 60 extended as to I.	24, s. 9 (3).
36 & 37 Vict. c. 86	Elementary Education	S. 14 repealed	67, s. 134 (3), Sch. III.

Statute and Chapter.	Subject-matter or Short Title.	How affected.	Chapter of 8 Edw. 7.
37 & 38 Vict. :			
c. 47	Prisons Authorities	Repealed	67, s. 134 (3), Sch. III.
c. 94	Conveyancing (S.)	S. 56 repealed	69, s. 286, Sch. VI. (Pt. I.).
38 & 39 Vict. :			
c. 22	Post Office	Rep. [*but see Terms*]	48, s. 92, Sch. II.
c. 45	Sinking Fund	S. 5 amended	16, s. 9.
c. 55	Public Health	Ss. 166–168 ext. to rural district councils (with consent of L.G.B.).	6, s. 1.
c. 62	Summary Prosecutions Appeals (S.).	Repealed	65, s. 3, Sch. A.
c. 77	Supreme Court of Judicature	S. 4 am. and rep. in part S. 10 rep.; so far as relates to winding up of companies.	51, s. 6 (2), (3). 69, s. 286, Sch. VI. (Pt. I.).
c. 89	Public Works Loans	Sch. I. amended	23, s. 6 (1).
c. lxxxvii.	Middlesex Industrial Schools	Repealed	67, s. 134 (3), Sch. III.
39 & 40 Vict. :			
c. 36	Customs Consolidation	S. 42 amended	42, s. 3.
c. 59	Appellate Jurisdiction	S. 19 amended	51, s. 6 (2).
c. 79	Elementary Education	S. 53 repealed Ss. 12, 13 rep. in part; ss. 14–17 rep.	63, s. 35, Sch. III. 67, s. 134 (3), Sch. III.
40 & 41 Vict. :			
c. 2	Treasury Bills	S. 6 restricted	1, s. 3 (2). 30, s. 2 (2).
c. 25	Solicitors	Ss. 10, 13 amended	38, s. 12.
c. 26	Companies	Repealed	69, s. 286, Sch. VI. (Pt. I.).
c. 53	Prisons (S.)	S. 67 repealed	67, s. 134 (3), Sch. III.
c. 57	Supreme Court of Judicature (I.).	S. 28 (1) rep., so far as relates to winding-up of companies.	69, s. 286, Sch. VI. (Pt. I.).
c. cxciii.	Greenock Police	Ss. 136, 243, 244 rep.	65, s. 3, Sch. A.
41 & 42 Vict. :			
c. 40	Prisons Authorities Act (1874) Amendment.	Repealed	67, s. 134 (3), Sch. III.
c. 51	Roads and Bridges (S.)	Ss. 27, 49, 50, 57 am.; ss. 42, 57, 58 rep. in part.	62, ss. 20 (2), 23, 24, 31, Sch.
c. 52	Public Health (I.)	S. 238 amended	61, s. 1 (1) (2).
c. 58	Locomotives Amendment (S.)	S. 4 repealed	62, s. 31, Sch.
c. 76	Telegraph	Ss. 3–5 ext.	33, ss. 1, 3, 5 (2).
c. 78	Education (S.)	S. 18 repealed; s. 25 am.	63, ss. 27 (2), 35, Sch. III.
42 & 43 Vict. :			
c. 22	Prosecution of Offences	Am.; ss. 2 (par. 3), 6, 7 (par. 1) rep.	3, ss. 2 (1–4), 3 (1), Sch.
c. 42	Valuation of Lands (S.) Amendment.	S. 7 amended	62, s. 7 (2).
c. 48	Elementary Education (Industrial Schools).	Repealed	67, s. 134 (3), Sch. III.
c. 49	Summary Jurisdiction	S. 17 (1) rep. in part; s. 28 rep., except so far as applied by other enactments.	15, s. 10 (1), Sch.
		S. 53 rep. in part [*but see Terms*].	48, s. 92. Sch. II.
		Ss. 11 (1), 15 rep. in part; S. 49, Sch. I. am.	67, ss. 128, 134 (3), Sch. III.

Statute and Chapter.	Subject-matter or Short Title.	How affected.	Chapter of 8 Edw. 7.
42 & 43 Vict.:			
c. 54	Poor Law	S. 10 amended	67, s. 36.
c. 65	University Education (I.)	Repealed	38, s. 21, Sch.
c. 76	Companies	Repealed	69, s. 286, Sch. VI. (Pt. I.).
c. cxxxii.	Edinburgh Municipal and Police	Ss. 324, 326, 329–333, 335, 336, 338–340, 342, 346, 351, 356, 357 rep.; ss. 325, 349, 350 rep. in part.	65, s. 3, Sch. A.
43 & 44 Vict.:			
c. 15	Industrial Schools Acts Amendment.	Repealed	67, s. 134 (3), Sch. III.
c. 19	Companies	Repealed	69, s. 286, Sch. VI. (Pt. I.).
c. 33	Post Office (Money Orders)	Rep. [*but see Terms*]	48, s. 92, Sch. II.
c. 35	Wild Birds Protection	Amended	11, ss. 1, 2.
44 & 45 Vict.:			
c. 19	Post Office (Newspaper)	Rep. [*but see Terms*]	48, s. 92, Sch. II.
c. 20	Post Office (Land)	Rep. [*but see Terms*]	48, s. 92, Sch. II.
c. 29	Reformatory Institutions (I.)	Repealed	67, s. 134 (3), Sch. III.
c. 33	Summary Jurisdiction (S.)	Repealed	65, s. 3, Sch. A.
c. 52	Royal University of Ireland	S. 1 am. and rep. in part; s. 2 rep.	38, ss. 7 (1), 21, Sch.
c. 58	Army	Ss. 92, 175 (par. 10) amended.	2, ss. 4, 5.
45 & 46 Vict.:			
c. 2	Post Office (Reply Post Cards)	Rep. [*but see Terms*]	48, s. 92, Sch. II.
c. 50	Municipal Corporation	S. 151 rep. in part; s. 169 rep.	15, s. 10 (1), Sch.
c. 63	Constabulary (I.) Amendment	S. 3 ext. with mods.	60, s. 5.
c. clxi.	Edinburgh Municipal and Police Extension.	S. 41 (13) rep.	65, s. 3, Sch. A.
46 & 47 Vict.:			
c. 14	Constabulary and Police (I.)	Ss. 3, 6, Schs. I., II. am. prosp.	60, ss. 1–4.
c. 30	Companies (Colonial Registers)	Repealed	69, s. 286, Sch. VI. (Part I.).
c. 51	Corrupt and Illegal Practices Prevention.	S. 53 rep. in part; s. 57 (2) rep.	15, s. 10 (1), Sch.
c. 56	Education (S.)	S. 9 repealed	63, s. 35, Sch. III.
c. 58	Post Office (Money Orders)	Repealed [*but see Terms*]	48, s. 92, Sch. II.
c. 61	Agricultural Holdings (E.)	Repealed	28, s. 49, Sch. IV.
c. 62	Agricultural Holdings (S.)	Repealed	64, s. 36, Sch. IV.
47 & 48 Vict.:			
c. 19	Summary Jurisdiction over Children (I.).	Ss. 5 (1), 6 rep. in part	67, s. 134 (3), Sch. III.
c. 40	Reformatory and Industrial Schools (Manx Children).	Repealed	67, s. 134 (3), Sch. III.
c. 58	Prosecution of Offences	Am.; s. 2 rep.	3, ss. 1, 3 (1), Sch.
c. 76	Post Office (Protection)	Rep. except ss. 1 (pars. 1, 3), 11, 17 [*but see Terms*].	48, s. 92, Sch. II.
48 & 49 Vict.:			
c. 19	Industrial Schools (I.)	Repealed	67, s. 134 (3), Sch. III.
c. 69	Criminal Law Amendment	S. 18 repealed	15, s. 10 (1), Sch.
		S. 4 rep. in part	67, s. 134 (3), Sch. III.
49 & 50 Vict.:			
c. 23	Companies	Repealed	69, s. 286, Sch. VI. (Part I.).
c. 48	Medical Act	S. 7 amended	38, s. 11.
50 & 51 Vict.:			
c. 1	Consolidated Fund (No. 1)	Repealed	49 (Stat. Law Rev.).
c. 2	Army (Annual)	Ss. 2, 3, Sch. rep.	49 (Stat. Law Rev.).

Statute and Chapter.	Subject-matter or Short Title.	How affected.	Chapter of 8 Edw. 7.
50 & 51 Vict.:			
c. 8	Incumbents of Benefices Loans Extension Act, 1886, Amendment.	Repealed	49 (Stat. Law Rev.).
c. 9	Police Disabilities Removal	S. 1, Sch. repealed	
c. 10	Duke of Connaught's Leave	Repealed	
c. 11	Conversion of India Stock	S. 8 repealed	
c. 12	Truro Bishopric and Chapter Acts Amendment.	S. 13 repealed	
c. 14	Consolidated Fund (No. 2)	Repealed	
c. 15	Customs and Inland Revenue	Ss. 2, 17, 19–21 repealed	
c. 16	National Debt and Local Loans	Ss. 3, 20, 21, Sch. III. rep.	
c. 17	Metropolis Management (Battersea and Westminster).	Repealed	
c. 18	Trusts (S.) Act, 1867, Amendment	Repealed	
c. 19	Quarry (Fencing)	S. 2 repealed	
c. 20	Criminal Law and Procedure (I.)	S. 8 repealed	
c. 26	Allotments and Cottage Gardens Compensation for Crops.	S. 3 repealed	
c. 28	Merchandise Marks	S. 14 repealed	15, s. 10 (1), Sch.
c. 29	Margarine	S. 2 repealed	49 (Stat. Law Rev.).
c. 33	Land Law (I.)	S. 2 repealed	
c. 34	London Parks and Works	S. 7 repealed	
c. 35	Criminal Procedure (S.)	S. 76 repealed	
		Am.; s. 71 repealed	65, ss. 3, 77, Sch. A.
c. 37	Public Works Loans	Ss. 2, 3, Sch. repealed	49 (Stat. Law Rev.).
c. 40	Savings Bank	S. 11, Schs. I., II. rep.	
		S. 1 (2) restricted as to Public Trustee.	52, s. 1 (1).
c. 41	Sheriff of Lanarkshire	Repealed	49 (Stat. Law Rev.).
c. 43	Stannaries	Ss. 9, 10, 31 rep.; s. 13 rep. in part.	69, s. 286, Sch. VI. (Pt. I.).
		S. 36 repealed	49 (Stat. Law Rev.).
c. 46	Truck Amendment	S. 17, Sch. repealed	
c. 47	Trustee Savings Banks	S. 3 repealed	69, s. 286, Sch. VI. (Pt. I.).
c. 48	Allotments	Rep., except s. 3 (4)–(8) so far as applied by any other enactment [*but see Terms*].	36, s. 62, Sch. III.
c. 49	Charitable Trusts	S. 6, Sch. II. repealed	49 (Stat. Law Rev.).
c. 50	Appropriation	Repealed	
c. 52	Secretary for Scotland	S. 4 repealed	
c. 53	Escheat Procedure	Sch. repealed	
c. 54	British Settlements	Sch. repealed	
c. 55	Sheriffs	Sch. III. repealed	
c. 57	Deeds of Arrangement	Ss. 3, 16 repealed	
c. 58	Coal Mines Regulation	Ss. 78, 79, 81, 82, 84, Sch. IV. repealed.	
		Ss. 12–14 amended	57, s. 2 (2).
c. 59	Statute Law Revision	Sch. repealed	49 (Stat. Law Rev.).
c. 61	Local Government (Boundaries)	Repealed	
c. 63	Expiring Laws Continuance	Repealed	
c. 67	Superannuation	S. 14, Sch. repealed	
c. 71	Coroners	Sch. III. repealed	
51 & 52 Vict.:			
c. 1	Consolidated Fund (No. 1)	Repealed	49 (Stat. Law Rev.).
c. 2	National Debt (Conversion)	Ss. 1, 3–10, 14, 15, 17, 20–24, 26, 29 repealed.	
c. 4	Army (Annual)	Ss. 2, 3, 6, 7, Sch. rep.	
c. 6	Metropolitan Board (Commission).	Repealed	
c. 8	Customs and Inland Revenue	Ss. 2, 23, 25, 26, Schs. II., III. repealed.	
c. 10	County Electors	S. 6 (2) repealed	21, s. 2 (1), Sch.

Statute and Chapter.	Subject-matter or Short Title.	How affected.	Chapter of 8 Edw. 7.
51 & 52 Vict.:			
c. 10	County Electors	S. 15 repealed	49 (Stat. Law Rev.).
c. 11	Westminster Abbey	Ss. 2, 3 repealed	
c. 15	National Debt (Supplemental)	Ss. 3, 7 repealed	
c. 16	Consolidated Fund (No. 2)	Repealed	
c. 19	Inebriates	S. 2 repealed	
c. 21	Law of Distress Amendment	Ss. 3, 9 repealed	
c. 25	Railway and Canal Traffic	Ss. 47, 56–59, Sch. rep.	
		S. 5 am. as to differences under Telegraph Acts.	33, s. 6.
c. 26	Consolidated Fund (No. 3)	Repealed	49 (Stat. Law Rev.).
c. 30	Fishery (I.)	S. 2 repealed	
c. 33	Hawkers	S. 8, Sch. repealed	
c. 35	Special Commission	Repealed	
c. 36	Bail (S.)	S. 11 repealed	
c. 38	Expiring Laws Continuance	Repealed	
c. 39	Public Works Loans	Ss. 1–3, Sch. repealed	
c. 41	Local Government	Ss. 35 (5), 67, 100 rep. in part.	15, s. 10 (1), Sch.
		S. 20 (3) virt. am.	15, s. 1 (2).
		Ss 99, 103–108, 110–114, 116, 121 repealed.	
c. 42	Mortmain and Charitable Uses	Sch. repealed	
c. 43	County Courts	S. 2, Sch. repealed	
c. 46	Oaths	S. 6, Sch. repealed	
c. 47	Law of Distress and Small Debts (I.).	S. 2 repealed	
c. 51	Land Charges Registration and Searches.	S. 2 repealed	49 (Stat. Law Rev.).
c. 54	Sea Fisheries Regulation	S. 16, Sch. repealed	
c. 57	Statute Law Revision (No. 2)	Sch. repealed	
c. 58	Employers Liability Act, 1880, Continuance.	Repealed	
c. 60	Probate Duties (S. and I.)	S. 2 repealed	
c. 61	Appropriation	Repealed	
c. 62	Preferential Payments in Bankruptcy.	Ss. 5, 6, Sch. repealed	
		Ss. 1–3 rep., so far as they relate to companies.	69, s. 286, Sch. VI. (Pt. I.).
c. 64	Law of Libel Amendment	S. 2 repealed	
c. 65	Solicitors	Ss. 2, 20, Sch. rep.	
52 & 53 Vict.:			
c. 1	Consolidated Fund (No. 1)	Repealed	
c. 2	Consolidated Fund (No. 2)	Repealed	
c. 3	Army (Annual)	Ss. 2, 3, Sch. rep.	
c. 4	National Debt Redemption	Ss. 1–4, 7–15, Sch. rep.	
c. 6	National Debt	S. 6, Sch. repealed	
c. 7	Customs and Inland Revenue	Ss. 2, 19–21 repealed	49 (Stat. Law Rev.).
c. 10	Commissioners of Oaths	Ss. 12, 14, Sch. rep.	
c. 11	Sale of Horseflesh, &c., Regulation.	S. 11 repealed	
c. 15	Consolidated Fund (No. 3)	Repealed	
c. 17	London Coal Duties Abolition	S. 2 repealed	
c. 18	Indecent Advertisements	Ss. 2, 7 repealed	
c. 19	Registration of County Electors (Extension of Time).	Repealed	
c. 21	Weights and Measures	Ss. 5, 36, 37, Schs. I., V. repealed.	
c. 26	Small Debt Amendment (S.)	S. 14 repealed	
c. 27	Advertising Stations (Rating)	S. 7 repealed	
c. 30	Board of Agriculture	S. 10, Sch. II. repealed	
c. 34	Telegraph (Isle of Man)	S. 1 (17) rep. [*but see Terms*].	48, s. 92, Sch. II.

Statute and Chapter.	Subject-matter or Short Title.	How affected.	Chapter of 8 Edw. 7.
52 & 53 Vict.:			
c. 37	Companies Clauses Consolidation.	Repealed	49 (Stat. Law Rev.).
c. 42	Revenue	Ss. 5, 11, 35, 36, Sch. rep.	49 (Stat. Law Rev.).
		S. 18, repealed	69, s. 286, Sch. VI. (Pt. I.).
c. 45	Factors	Ss. 14, 15 repealed	49 (Stat. Law Rev.).
c. 49	Arbitration	S. 29, Sch. II. repealed	49 (Stat. Law Rev.).
c. 50	Local Government (S.)	Ss. 19, 45–48, 88, 103, 106–118 rep.	49 (Stat. Law Rev.).
		Ss. 8, 51, 73, 95 rep. in part; s. 70 (5) am.; s. 120 ext.; s. 16 explained.	62, ss. 11 (1), 17 (3), 28 (2), 31, Sch.
c. 52	Official Secrets	S 4 repealed	15, s. 10 (1), Sch.
c. 53	Paymaster-General	S. 2 repealed	49 (Stat. Law Rev.).
c. 55	Universities (S.)	Ss. 4, 10–13, 17–20, 22, 27, 31 rep.	49 (Stat. Law Rev.).
c. 58	Coinage	Repealed	49 (Stat. Law Rev.).
c. 60	Preferential Payments in Bankruptcy (I.).	Ss. 3, 8 repealed	49 (Stat. Law Rev.).
		S. 4 rep., so far as relates to Companies.	69, s. 286, Sch. VI. (Pt. I.).
c. 63	Interpretation	S. 41, Sch. repealed	49 (Stat. Law Rev.).
c. 67	Expiring Laws Continuance	Repealed	49 (Stat. Law Rev.).
c. 69	Public Bodies Corrupt Practices	S. 5 repealed	15, s. 10 (1), Sch.
c. 70	Appropriation	Repealed	49 (Stat. Law Rev.).
c. 71	Public Works Loans	Ss. 1, 2, 4, Sch. I. rep.	49 (Stat. Law Rev.).
c. 76	Technical Institution	S. 4 repealed	49 (Stat. Law Rev.).
53 & 54 Vict.:			
c. 1	Consolidated Fund (No. 1)	Repealed	49 (Stat. Law Rev.).
c. 2	Crown Office	Sch. repealed	49 (Stat. Law Rev.).
c. 4	Army (Annual)	Ss. 2–4, 6, Sch. rep.	49 (Stat. Law Rev.).
c. 5	Lunacy	S. 3, Sch. V. rep.	49 (Stat. Law Rev.).
		Am.; ss. 116 (1), 135 (3) am.; s. 116 (2) rep.	47, ss. 1, 2.
c. 8	Customs and Inland Revenue	Ss. 2, 10–16, 22, 29, 36, Schs. I., II. rep.	49 (Stat. Law Rev.).
c. 11	Municipal Elections (S.)	S. 3 repealed	49 (Stat. Law Rev.).
c. 13	Electric Lighting (S.)	S. 3 repealed	49 (Stat. Law Rev.).
c. 21	Inland Revenue Regulation	S. 41, Sch. repealed	49 (Stat. Law Rev.).
c. 24	Deeds of Arrangement Amendment.	S. 6 repealed	49 (Stat. Law Rev.).
c. 28	Consolidated Fund (No. 2)	Repealed	49 (Stat. Law Rev.).
c. 33	Statute Law Revision	Ss. 2, 5, Schs. rep.	49 (Stat. Law Rev.).
c. 37	Foreign Jurisdiction	Sch. III. repealed	49 (Stat. Law Rev.).
c. 38	Census (S.)	Repealed	49 (Stat. Law Rev.).
c. 39	Partnership	Ss. 48, 49, Sch. rep.	49 (Stat. Law Rev.).
c. 45	Police	Ss. 24, 37, Sch. IV. rep.	49 (Stat. Law Rev.).
		S. 4 (4) amended	5, ss. 1, 2.
c. 46	Census (I.)	Repealed	49 (Stat. Law Rev.).
c. 48	Pharmacy Act (I.), 1875, Amendment.	Ss. 4, 13 repealed	49 (Stat. Law Rev.).
c. 49	Expiring Laws Continuance	Repealed	49 (Stat. Law Rev.).
c. 50	Public Works Loans	Repealed	49 (Stat. Law Rev.).
c. 51	Statute Law Revision (No. 2)	Sch. repealed	49 (Stat. Law Rev.).
c. 52	Railways (I.)	Ss. 1–4, Schs. I., II. rep.	49 (Stat. Law Rev.).
c. 55	Elections (S.) (Corrupt and Illegal Practices).	Ss. 53, 54 repealed	49 (Stat. Law Rev.).
c. 57	Tenants' Compensation	S. 1 rep. in part; ss. 2 [*but see Terms*], 3, 4 rep.	28, s. 49, Sch. IV.
c. 60	Local Taxation (Customs and Excise).	S. 2 (ii.) (iii.) amended	63, s. 15.
c. 61	Census (E. and W.)	Repealed	49 (Stat. Law Rev.).

Statute and Chapter.	Subject-matter or Short Title.	How affected.	Chapter of 8 Edw. 7.
53 & 54 Vict.:			
c. 62	Companies (Memorandum of Association).	Repealed	69, s. 286, Sch. VI. (Pt. I.).
c. 63	Companies (Winding-up)	Ss. 33, 34, Sch. II. rep.	49 (Stat. Law Rev.).
		Repealed	69, s. 286, Sch. VI. (Pt. I.).
c. 64	Directors Liability	Repealed	
c. 65	Allotments	Rep. [*but see Terms*]	36, s. 62, Sch. III.
c. 66	Metropolis Management Amendment.	S. 10 repealed	49 (Stat. Law Rev.).
c. 67	Police (S.)	S. 33, Sch. IV. repealed	
c. 70	Housing of the Working Classes	Sch. VII. repealed	
		Am.; s. 33 virt. rep.	61, s. 9.
c. 71	Bankruptcy	Ss. 29, 30, Sch. repealed	
c. 72	Appropriation	Repealed	
54 & 55 Vict.:			
c. 1	Seed Potatoes Supply (I.)	Repealed	49 (Stat. Law Rev.).
c. 4	Technical Instruction	Ss. 2, 3 repealed	
c. 5	Army (Annual)	Ss. 2, 3, Sch. repealed	
c. 6	Consolidated Fund (No. 1)	Repealed	
c. 7	Seed Potatoes Supply (I.)	Repealed	
c. 8	Tithe	S. 11 repealed	
c. 13	Taxes (Regulation of Remuneration).	S. 3 amended	16, s. 8.
c. 21	Savings Banks	S. 18, Schs. I., II. rep.	49 (Stat. Law Rev.).
c. 23	Reformatory and Industrial Schools.	Repealed	67, s. 134 (3), Sch. III.
c. 24	Public Accounts and Charges	Sch. repealed	49 (Stat. Law Rev.).
c. 25	Customs and Inland Revenue	Repealed	
c. 26	Russian Dutch Loan	Repealed	
c. 27	Consolidated Fund (No. 2)	Repealed	
c. 28	Branding of Herrings (Northern Ireland).	S. 2 restricted	17, s. 7.
c. 29	Presumption of Life Limitation (S.).	S. 2 repealed	49 (Stat. Law Rev.).
c. 34	Local Authorities Loans (S.)	S. 3 repealed	
c. 38	Stamp Duties Management	S. 29, Sch. repealed	
c. 39	Stamp	S. 123, Sch. III. repealed	
		Sch. I. amended	16, s. 5.
c. 40	Brine Pumping (Compensation for Subsidence).	S. 51 repealed	49 (Stat. Law Rev.).
c. 41	Crofters Common Grazings Regulation.	S. 4 am. and rep. in part	50, ss. 2, 3, Sch.
c. 46	Post Office	S. 13, Sch. repealed	49 (Stat. Law Rev.).
		Rep. except ss. 11, 14 [*but see Terms*].	48, s. 92, Sch. II.
c. 48	Purchase of Land (I.)	Sch. III. repealed	49 (Stat. Law Rev.).
c. 55	Appropriation	Repealed	
c. 56	Elementary Education	Ss. 11, 12, Sch. repealed	
c. 58	Burgh Harbours (S.)	S. 2 (4 *b*) rep. in part	62, s. 12.
c. 59	Public Works Loans	Ss. 1, 2 repealed	49 (Stat. Law Rev.).
c. 60	Expiring Laws Continuance	Repealed	
c. 64	Land Registry (Middlesex Deeds).	S. 7, Sch. II. repealed	
c. 65	Lunacy	S. 29, Sch. repealed	
		Amended	47, ss. 3, 4.
c. 66	Local Registration of Title (I.)	Amended as to omission to register.	58, s. 1 (1).
c. 67	Statute Law Revision	Sch. repealed	49 (Stat. Law Rev.).
c. 68	County Councils (Elections)	Ss. 4, 7, Sch. repealed	
c. 70	Markets and Fairs (Weighing of Cattle).	Sch. repealed (so far as regards E. and S.).	
c. 76	Public Health (London)	S. 143, Sch. IV. repealed	

Statute and Chapter.	Subject-matter or Short Title.	How affected.	Chapter of 8 Edw. 7.
55 & 56 Vict.:			
c. 1	Millbank Prison	Sch. repealed	49 (Stat. Law Rev.).
c. 2	Army (Annual)	Ss. 2, 3, Sch. repealed	49 (Stat. Law Rev.).
c. 3	Consolidated Fund (No. 1)	Repealed	49 (Stat. Law Rev.).
c. 12	Roads and Bridges (S.) Amendment.	S. 1 repealed	62, s. 31, Sch.
c. 16	Customs and Inland Revenue	Repealed	49 (Stat. Law Rev.).
c. 19	Statute Law Revision	Sch. repealed	49 (Stat. Law Rev.).
c. 20	Consolidated Fund (No. 2)	Repealed	49 (Stat. Law Rev.).
c. 23	Foreign Marriage	S. 25, Sch. repealed	49 (Stat. Law Rev.).
c. 24	Post Office	Rep., [*but see Terms*]	48, s. 92, Sch. II.
c. 31	Small Holdings	S. 26 repealed	49 (Stat. Law Rev.).
		Rep., except so far as relates to S. [*but see Terms*].	36, s. 62, Sch. III.
c. 33	Appropriation	Repealed	49 (Stat. Law Rev.).
c. 34	Naval Knights of Windsor (Dissolution).	S. 3, Sch. repealed	49 (Stat. Law Rev.).
c. 38	Police Returns	S. 2 repealed	49 (Stat. Law Rev.).
c. 40	Superannuation	S. 5 repealed	49 (Stat. Law Rev.).
c. 42	Irish Education	S. 16 repealed	49 (Stat. Law Rev.).
c. 43	Military Lands	Extended with mods. to Naval Volunteers.	25, s. 1.
		Sch. repealed	49 (Stat. Law Rev.).
c. 48	Bank	Sch. repealed	49 (Stat. Law Rev.).
c. 51	Education and Local Taxation Account (S.).	S. 2 (1) (6) amended	63, s. 15.
c. 53	Public Libraries	S. 30, Sch. II. repealed	49 (Stat. Law Rev.).
c. 55	Burgh Police (S.)	S. 2 repealed	49 (Stat. Law Rev.).
		Ss. 408, 410, 411, 419–425, 430 extended.	62, s. 10 (1).
		Ss. 457, 459, 463, 464, 466, 471–483, 485–490, 492, 493, 495, 496, 501, 504–506, 510, 513, 516, Sch. VII. rep.; s. 491 rep. in part.	65, s. 3, Sch. A.
c. 56	Coroners	S. 2, Sch. repealed	49 (Stat. Law Rev.).
		Ss. 1 (1)–(5) (8) applied to I., with mods.	37, s. 1 (1).
c. 59	Telegraph	Ss. 2, 3, 4 (2) extended	33, ss. 2, 4, 7.
c. 60	Expiring Laws Continuance	Repealed	49 (Stat. Law Rev.).
c. 61	Public Works Loans	Ss. 1–3, Sch. repealed	49 (Stat. Law Rev.).
c. 62	Shop Hours	S. 2 repealed	49 (Stat. Law Rev.).
c. 63	Technical Instruction Amendment (S.).	Repealed	63, s. 35, Sch. III.
c. cxlv.	Glasgow Police (Further Powers).	Ss. 26, 32, 38 rep.	65, s. 3, Sch. A.
56 & 57 Vict.:			
c. 3	Consolidated Fund (No. 1)	Repealed	49 (Stat. Law Rev.).
c. 4	Army (Annual)	Ss. 2, 3, Sch. repealed	49 (Stat. Law Rev.).
c. 5	Regimental Debts	Ss. 31, 32 repealed	49 (Stat. Law Rev.).
c. 6	Police Disabilities Removal	S. 1, Sch. repealed	49 (Stat. Law Rev.).
c. 7	Customs and Inland Revenue	Ss. 1, 4–6 repealed	49 (Stat. Law Rev.).
c. 12	Day Industrial Schools (S.)	Ss. 3, 5–7, 9 rep.; ss. 4, 8 rep. in part.	67, s. 134 (3), Sch. III.
c. 13	Cholera Hospitals (I.)	Repealed	49 (Stat. Law Rev.).
c. 14	Statute Law Revision	Sch. repealed	49 (Stat. Law Rev.).
c. 16	Consolidated Fund (No. 2)	Repealed	49 (Stat. Law Rev.).
c. 17	North Sea Fisheries	S. 11 repealed	49 (Stat. Law Rev.).
c. 19	Weights and Measures	S. 3 repealed	49 (Stat. Law Rev.).
c. 24	Public Works Loans	Repealed	49 (Stat. Law Rev.).
c. 28	Consolidated Fund (No. 3)	Repealed	49 (Stat. Law Rev.).

Statute and Chapter.	Subject-matter or Short Title.	How affected.	Chapter of 8 Edw. 7.
56 & 57 Vict.:			
c. 36	Law of Distress and Small Debts (I.).	S. 2 repealed	49 (Stat. Law Rev.).
c. 39	Industrial and Provident Societies	S. 80, Sch. I. repealed	
c. 40	Public Works Loans (No. 2)	Ss. 1, 3, Sch. repealed	
c. 42	Elementary Education (Blind and Deaf Children).	S. 17 repealed	
c. 46	Consolidated Fund (No. 4)	Repealed	
c. 48	Reformatory Schools	Repealed	67, s. 134 (3), Sch. III.
c. 49	County Surveyors (I.)	Repealed	49 (Stat. Law Rev.).
c. 51	Elementary Education (School Attendance).	Ss. 3, 4 repealed	
c. 53	Trustee	Ss. 51, 54, Sch. repealed	
c. 54	Statute Law Revision (No. 2)	S. 3, Schs. repealed	
c. 58	Companies (Winding-up)	Repealed	69, s. 286, Sch. VI. (Pt. I.).
c. 59	Expiring Laws Continuance	Repealed	49 (Stat. Law Rev.).
c. 60	Appropriation	Repealed	
c. 61	Public Authorities Protection	S. 4, Sch. repealed	
c. 62	Madras and Bombay Armies	Ss. 2, 3, Sch. repealed	
c. 63	Married Women's Property	S. 4 repealed	
c. 64	National Debt Redemption	Repealed	
c. 65	Public Works Loans (No. 3)	S. 2 repealed	
c. 66	Rules Publication	S. 1 restricted	34, s. 8.
c. 69	Savings Bank	S. 8, Sch. II. repealed	49 (Stat. Law Rev.).
c. 71	Sale of Goods	Ss. 60, 63, Sch. repealed	
c. 73	Local Government	S. 79, Sch. II. repealed	
		S. 6 (3) (4) rep. [*but see Terms*].	36, s. 62, Sch. III.
c. lxxxi.	Thames Watermen's and Lightermen's.	Ss. 3, 16, 29, 30 rep. in part; ss. 22, 33, 36, 37 repealed.	68, s. 50, Sch. VI.
57 & 58 Vict.:			
c. 1	Consolidated Fund (No. 1)	Repealed	49 (Stat. Law Rev.).
c. 3	Army (Annual)	Ss. 2, 3, 6, Sch. repealed	
c. 6	Quarter Sessions	S. 2 repealed	
		Repealed	41, s. 3 (2).
c. 7	Consolidated Fund (No. 2)	Repealed	49 (Stat. Law Rev.).
c. 11	Public Works Loans	Ss. 1, 2, Sch. repealed	
c. 23	Commissioners of Works	Sch. repealed	
c. 29	Consolidated Fund (No. 3)	Repealed	
c. 30	Finance	Ss. 25–33, 37, 38, Sch. III. repealed.	
c. 32	Registration Acceleration	Repealed	
c. 33	Industrial Schools Acts Amendment.	Repealed	67, s. 134 (3), Sch. III.
c. 39	Prize Courts	S. 5 repealed	49 (Stat. Law Rev.).
c. 42	Quarries	S. 4 repealed	
c. 45	Uniforms	S. 5 repealed	
c. 46	Copyhold	Sch. III. repealed	
c. 47	Building Societies	Ss. 28, 30, Sch. II. rep.	
c. 48	Expiring Laws Continuance	Repealed	
c. 51	Chimney Sweepers	S. 5 repealed	
c. 52	Coal Mines (Check Weigher)	S. 2 amended	57, s. 2 (2).
c. 56	Statute Law Revision	S. 3, Schs. repealed	49 (Stat. Law Rev.).
c. 57	Diseases of Animals	S. 58, Sch. V. repealed	
c. 58	Local Government (S.)	Ss. 47, 56, Sch. I. rep.	
		Ss. 16 (1) (3), 44 (5) am.; s. 19 (7) rep. in part.	62, ss. 9 (1), 14 (5), 31, Sch.
c. 59	Appropriation	Repealed	49 (Stat. Law Rev.).
c. 60	Merchant Shipping	S. 748, Sch. XXII. rep.	
		S. 701 repealed	15, s. 10 (1), Sch.

Statute and Chapter.	Subject-matter or Short Title.	How affected.	Chapter of 8 Edw. 7.
57 & 58 Vict.:			
c. clxxxvii.	Thames Conservancy - -	Am.; ss. 3, 83 (1), 253 (2), 311 am.; ss. 6–9, 11–27, 134, 240, 242, 243, 253 (1), 259 (1), 286 (1), 287 (1), 306, 309, 310, 312, Schs. II., III. rep.; ss. 3, 28–33, 83, 155, 191, 287 (2), 304, 307 rep. in part	68, ss. 7 (2), 8 (4) (5), 11 (2), 50, Sch. VI.
58 & 59 Vict.:			
c. 2	Seed Potatoes Supply (I.) -	Repealed - -	49 (Stat. Law Rev.).
c. 4	Consolidated Fund (No. 1) -	Repealed - - -	
c. 7	Army (Annual) - -	Ss. 2, 3, 5, 8, Sch. rep. -	
c. 15	Consolidated Fund (No. 2) -	Repealed - -	
c. 16	Finance - - -	Ss. 1–5, 10, 15, 17–19, Sch. rep.	
c. 17	Reformatory and Industrial Schools (Channel Islands Children).	Repealed - - -	67, s. 134 (3), Sch. III.
c. 18	Post Office Amendment - -	Repealed - - -	48, s. 92, Sch. II.
c. 22	Out-door Relief (I.) - -	Repealed - - -	49 (Stat. Law Rev.).
c. 27	Market Gardeners' Compensation	Rep. [*but see Terms*] -	28, s. 49, Sch. IV.
c. 28	False Alarms of Fire - -	S. 2 repealed - -	49 (Stat. Law Rev.).
c. 31	Appropriation - - -	S. 5 repealed - -	
c. 38	Isle of Man (Customs) - -	Repealed - - -	
c. 39	Summary Jurisdiction (Married Women).	Ss. 1 (so far as regards spirits, tobacco, and wine), 2, 3, Sch. rep.	
c. 42	Sea Fisheries Regulation (S.) -	Ss. 3, 12, Sch. repealed -	
c. 44	Judicial Committee Amendment	S. 29, Sch. repealed -	
c. cxlii.	Glasgow Corporation - -	S. 1, Sch. amended -	51, s. 3.
59 Vict. Sess. 2:		S. 39 repealed - -	65, s. 3, Sch. A.
c. 1	Expiring Laws Continuance -	Repealed - - -	49 (Stat. Law Rev.).
c. 2	Public Works Loans - -	Repealed - -	
c. 6	Appropriation - - -	Repealed - - -	
59 & 60 Vict.:			
c. 1	Local Government (Elections) -	S. 2 repealed - -	
c. 2	Army (Annual) - -	Ss. 2, 3, Sch. repealed -	
c. 3	Consolidated Fund (No. 1) -	Repealed - -	
c. 4	Local Government (Elections) (No. 2).	Repealed - -	
c. 7	Consolidated Fund (No. 2) -	Repealed - -	
c. 9	Local Government (Determination of Differences).	S. 2 repealed - -	
c. 10	Dispensary Committees (I.) -	Repealed - -	
c. 13	Incumbents of Benefices Loans Extension	Repealed - - -	
c. 14	Short Titles - - -	S. 4 repealed - -	
c. 15	Diseases of Animals - -	S. 2 repealed - -	
c. 19	Public Health - - -	Ss. 3, 6, 7, Sch. repealed	
c. 25	Friendly Societies - - -	Am.; ss. 8 (1), 41, 44 (1), 56, 68, 76 (4), 80, 87 (3), 91, 94, 103, 106 am.; ss. 36, 68 (1 *b*) rep. in part.	32, ss. 1–13.
c. 26	Collecting Societies and Industrial Assurance Companies.	S. 107, Sch. III. repealed S. 18, Sch. repealed -	49 (Stat. Law Rev.).
c. 28	Finance - - - -	Ss. 1, 25, 29, 40, Sch. rep.	

Statute and Chapter.	Subject-matter or Short Title.	How affected.	Chapter of 8 Edw. 7.
59 & 60 Vict.:			
c. 30	Conciliation	S. 7 repealed	49 (Stat. Law Rev.).
c. 31	Housing of the Working Classes Act, 1890, Amendment (S.)	S. 4 repealed	49 (Stat. Law Rev.).
c. 37	Agricultural Rates, Congested Districts and Burgh Land Tax Relief (S.).	S. 8 repealed	49 (Stat. Law Rev.).
c. 39	Expiring Laws Continuance	Repealed	49 (Stat. Law Rev.).
c. 41	Local Taxation (I.) Estate Duty	Repealed	49 (Stat. Law Rev.).
c. 42	Public Works Loans	Ss. 1, 4, 5, Sch. rep.	49 (Stat. Law Rev.).
c. 44	Truck	S. 11, repealed	49 (Stat. Law Rev.).
c. 45	Stannaries Court (Abolition)	Ss. 5, 6, Sch. repealed	49 (Stat. Law Rev.).
c. 46	Appropriation	Repealed	49 (Stat. Law Rev.).
c. 47	Land Law (I.)	Ss. 20, 52, Sch. II. rep.	49 (Stat. Law Rev.).
c. 50	Poor Law Officers' Superannuation.	Sch. repealed	49 (Stat. Law Rev.).
c. 53	Labourers (I.)	Ss. 9, 11, 12, Sch. rep.	49 (Stat. Law Rev.).
c. 54	Public Health (I.)	S. 29 repealed	49 (Stat. Law Rev.).
c. 56	Wild Birds Protection	Explained	62, s. 28 (1).
		Amended	11, ss. 1, 2.
60 & 61 Vict.:			
c. 1	Local Government	S. 3 repealed	49 (Stat. Law Rev.).
c. 3	Army (Annual)	Repealed	49 (Stat. Law Rev.).
c. 4	Consolidated Fund (No. 1)	Repealed	49 (Stat. Law Rev.).
c. 5	Voluntary Schools	S. 2 repealed	49 (Stat. Law Rev.).
c. 6	Military Lands	Extended with mods. to Naval Volunteers.	25, s. 1.
c. 10	East India Company's Officers' Superannuation.	Repealed	49 (Stat. Law Rev.).
c. 19	Preferential Payments in Bankruptcy Amendment.	Repealed	69, s. 286, Sch. VI. (Pt. I.).
c. 21	Mersey Channels	S. 3 repealed	49 (Stat. Law Rev.).
c. 22	Market Gardeners' Compensation (S.).	Repealed	64, s. 36, Sch. IV.
c. 24	Finance	Ss. 1, 4 repealed	49 (Stat. Law Rev.).
c. 26	Metropolitan Police Courts	Ss. 9, 10, Sch. repealed	49 (Stat. Law Rev.).
c. 29	Poor Law	S. 3, Sch. repealed	49 (Stat. Law Rev.).
c. 36	Out-door Relief (I.)	Repealed	49 (Stat. Law Rev.).
c. 38	Public Health (S.)	Sch. I. repealed	49 (Stat. Law Rev.).
		S. 38 amended	62, s. 14 (4).
		Ss. 185–187 applied with mods.	63, s. 10 (4).
c. 39	Yorkshire (Coroners)	Ss. 2, 3 repealed	49 (Stat. Law Rev.).
c. 41	Post Office and Telegraph	S. 2 rep. [*but see Terms*]	48, s. 92, Sch. II.
c. 51	Public Works Loans	Ss. 3, 6–9, Schs. repealed	49 (Stat. Law Rev.).
c. 54	Expiring Laws Continuance	Repealed	49 (Stat. Law Rev.).
c. 55	Wicklow Harbour Advances	S. 1 repealed	49 (Stat. Law Rev.).
c. 57	Infant Life Protection	Ss. 18, 19 repealed	49 (Stat. Law Rev.).
		Repealed	67, s. 134 (3), Sch. III.
c. 60	Chaff-cutting Machines Accidents	S. 7 repealed	49 (Stat. Law Rev.).
c. 64	Constabulary (I.)	Repealed	49 (Stat. Law Rev.).
c. 65	Land Transfer	S. 19 rep. [*but see Terms*]	36, s. 62, Sch. III.
c. 66	Supreme Court of Judicature (I.) (No. 2).	Ss. 2, 16, Sch. repealed	49 (Stat. Law Rev.).
c. 67	Appropriation	Repealed	49 (Stat. Law Rev.).
61 & 62 Vict.:			
c. 1	Army (Annual)	Ss. 2, 3, Sch. repealed	49 (Stat. Law Rev.).
c. 3	Consolidated Fund (No. 1)	Repealed	49 (Stat. Law Rev.).
c. 10	Finance	Ss. 3, 7, 18, Sch. rep.	49 (Stat. Law Rev.).
c. 16	Canals Protection (London)	S. 6 repealed	49 (Stat. Law Rev.).
c. 17	Solicitors (I.)	S. 3 repealed	49 (Stat. Law Rev.).
		Ss. 12, 14 amended	38, s. 12.
c. 18	Post Office (Guarantee)	Rep. [*but see Terms*]	48, s. 92, Sch. II.

Statute and Chapter.	Subject-matter or Short Title.	How affected.	Chapter of 8 Edw. 7.
61 & 62 Vict.:			
c. 19	Poor Law Unions' Association (Expenses).	S. 2 repealed	49 (Stat. Law Rev.).
c. 22	Statute Law Revision	S. 3, Sch. repealed	
c. 24	Greenwich Hospital	S. 2 repealed	
c. 25	Pharmacy Acts Amendment	S. 8, Sch. repealed	
c. 26	Companies	Repealed	69, s. 286, Sch. VI. (Pt. I.).
c. 29	Locomotives	S. 21, Sch. repealed	49 (Stat. Law Rev.).
c. 30	Pauper Children (I.)	S. 6 repealed	
c. 32	Consolidated Fund (No. 2)	Repealed	
c. 36	Criminal Evidence	Sch. amended	67, s. 27.
c. 37	Local Government (I.)	Ss. 38, 104–107, 111–114, 120, 123, Schs. IV.–VI. repealed.	49 (Stat. Law Rev.).
		S. 122 (2) amended	38, s. 8.
		S. 75 rep. [*but see Terms*]	48, s. 92, Sch. II.
c. 40	Circuit Clerks (S.)	S. 1 repealed	49 (Stat. Law Rev.).
c. 41	Prison	Ss. 13, 15, Sch. rep.	
c. 44	Merchant Shipping (Mercantile Marine Fund).	Ss. 6, 8, Sch. IV. rep.	
c. 46	Revenue	Ss. 17, 19, Sch. rep.	
c. 47	Expiring Laws Continuance	Repealed	
c. 48	Benefices	S. 14 repealed	
c. 49	Vaccination	S. 9, Sch. repealed	
c. 50	Seed Supply and Potato Spraying	Repealed	
c. 51	Out-door Relief (I.)	Repealed	
c. 54	Public Works Loans	Ss. 1, 2, Sch. repealed	
c. 55	Universities and College Estates	Sch. IV. repealed	
c. 56	Local Taxation Account (S.)	S. 2 (4) amended	63, s. 15.
c. 57	Elementary School Teachers (Superannuation).	S. 14 repealed	49 (Stat. Law Rev.).
		S. 12 (6) repealed	63, ss. 12 (1), 35, Sch. III.
c. 58	Marriage	S. 3 repealed	49 (Stat. Law Rev.).
c. 59	Post Office Guarantee (No. 2)	Rep. [*but see Terms*]	48, s. 92, Sch. II.
c. 60	Inebriates	Ss. 28, 29, Sch. II. rep.	49 (Stat. Law Rev.).
		S. 2, Sch. I. am. as to I.	24, s. 9 (3).
c. 61	Appropriation	Repealed	49 (Stat. Law Rev.).
c. 62	University of London	Ss. 1–3 repealed	
62 & 63 Vict.:			
c. 2	Consolidated Fund (No. 1)	Repealed	49 (Stat. Law Rev.).
c. 3	Army (Annual)	Ss. 2, 3, 6, Sch. repealed	
c. 7	Metropolis Water	S. 3 repealed	
c. 8	Infectious Disease (Notification) Extension.	Sch. repealed	
c. 9	Finance	Ss. 1, 15, repealed	
c. 11	Fine or Imprisonment (S. and I.)	S. 4 repealed	
c. 12	Reformatory Schools	Repealed	67, s. 134 (3), Sch. III.
c. 14	Local Government	Sch. III. repealed	49 (Stat. Law Rev.).
c. 21	Shop Assistants	S. 3 repealed	
c. 23	Anchors and Chain Cables	Sch. III. repealed	
c. 26	Metropolitan Police	Sch. repealed	
c. 30	Commons	Sch. II. repealed	
c. 31	Public Works Loans	Ss. 1–4, Sch. repealed	
c. 33	Board of Education	Sch. repealed	
c. 34	Expiring Laws Continuance	Repealed	
c. 43	Royal Niger Company	S. 1 repealed	
c. 46	Improvement of Land	S. 8, Sch. II. repealed	
c. 48	Lincolnshire Coroners	Ss. 2, 3 repealed	
c. 49	Appropriation	Repealed	
c. 50	Agriculture and Technical Instruction (I.).	Ss. 32, 35, Sch. II. rep.	

Statute and Chapter.	Subject-matter or Short Title.	How affected.	Chapter of 8 Edw. 7.
62 & 63 Vict.:			
c. 51	Sale of Food and Drugs -	Ss. 13, 27, Sch. repealed -	49 (Stat. Law Rev.).
63 Vict., Sess. 2:			
c. 1	Appropriation - - -	Repealed - -	
c. 2	Treasury Bills - -	Repealed - -	
63 & 64 Vict.:			
c. 1	Consolidated Fund (No. 1) -	Repealed - -	
c. 3	Consolidated Fund (No. 2) -	Repealed - -	
c. 4	Census (Great Britain) -	Repealed, except ss. 9, 11 (3), 12 (1), and 13.	
c. 5	Army (Annual) - -	Ss. 2, 3, Sch. repealed -	
c. 6	Census (I.) - - -	Repealed, except ss. 7 (3) and 9.	
c. 7	Finance - - -	Ss. 1, 15–18, Schs. rep. -	
c. 8	Electoral Disabilities (Military Service) Removal.	Repealed - -	
c. 9	Police Reservists (Allowances) -	Repealed - -	
c. 14	Colonial Solicitors - -	Sch. repealed - -	
c. 15	Burial - - -	S. 12, Sch. II. repealed -	
c. 26	Land Charges - - -	S. 5, Sch. repealed -	
c. 31	Isle of Man (Customs) - -	S. 3 repealed - -	
		Ss. 1, 2 (2) continued -	9, s. 1.
c. 36	Public Works Loans - -	Ss. 1–3, Sch. repealed -	49 (Stat. Law Rev.).
c. 37	Expiring Laws Continuance -	Repealed - -	
c. 43	Intermediate Education (I.) -	S. 6 repealed - -	
c. 48	Companies - - -	Repealed - -	69, s. 286, Sch. VI. (Pt. I.).
		S. 35, Sch. repealed -	49 (Stat. Law Rev.).
c. 49	Town Councils (S.) - -	Ss. 2, 3, Sch. I. repealed	
c. 50	Agricultural Holdings -	Ss. 12, 13, Sch. III. rep.	
		Rep., except as to S. -	28, s. 49, Sch. IV.
		Repealed - -	64, s. 36, Sch. IV.
c. 53	Elementary Education - -	S. 8, Sch. repealed -	49 (Stat. Law Rev.).
		S. 4 repealed - -	67, s. 134 (3), Sch. III.
c. 54	Lunacy Board (S.) Salaries and Clerks.	S. 2 repealed - - -	49 (Stat. Law Rev.).
c. 56	Military Lands - -	Extended with mods. to Naval Volunteers.	25, s. 1.
c. 57	Appropriation - - -	Repealed - -	49 (Stat. Law Rev.).
c. 58	Tithe Rentcharge (I.) - -	S. 12, Sch. repealed -	
c. 59	Housing of the Working Classes	Sch. repealed - -	
64 Vict., Sess. 2:			
c. 2	Appropriation - -	Repealed - -	
1 Edw. 7:			
c. 7	Finance - - - -	Ss 2, 5, Schs. II, III. am.	16, s. 2, Sch.
c. 9	Education (S.) - - -	S. 1 rep., s. 3 am. -	63, ss. 9 (1), 85 Sch. III.
c. 20	Youthful Offenders - -	Repealed - -	67, s. 134 (3), Sch. III.
2 Edw. 7			
c. 41	Metropolis Water - -	Sch. III. (Par. 5) rep. -	68, s. 50, Sch. VI.
c. 42	Education - - -	Sch. III. (Par. 8) rep. in part.	67, s. 134 (3), Sch. III.
3 Edw. 7:			
c. 12	Post Office (Money Orders) -	Rep. [*but see Terms*] -	48, s. 92, Sch. II.
c. 35	Isle of Man (Customs) - -	Ss. 1 (1), 2 (2), Sch. II. amended.	9, s. 2, Sch.
c. 38	Poor Prisoners Defence -	S. 1 (2) repealed -	15, s. 10 (1), Sch.
c. 39	Housing of the Working Classes	S. 9 extended to Ireland -	61, s. 10.
c. 46	Revenue - - -	S. 1 (2) amended -	16, s. 2, Sch.

Statute and Chapter.	Subject-matter or Short Title.	How affected.	Chapter of 8 Edw. 7.
3 Edw. 7 :			
c. 47	Military Lands - - -	Extended with mods. to Naval Volunteers.	25, s. 1.
4 Edw. 7 :			
c. 4	Wild Birds Protection - -	Amended - - -	11, ss. 1, 2.
c. 8	Savings Banks - - -	Amended ; s. 11. rep. -	8, s. 1.
c. 14	Post Office - - -	Rep. [*but see Terms*] -	48, s.92, Sch. II.
c. 15	Prevention of Cruelty to Children	S. 20 repealed - -	15, s. 10 (1), Sch.
		Ss. 1, 2 (par. *a*), 5–11, 13, 14, 16, 20, 21, 23 (2), 25, 26, 28, Schs. rep. ; ss. 4, 12, 15, 17–19, 29–31 rep. in part.	67, s. 134 (3), Sch. III.
c. 27	Secretary for Scotland - -	Repealed - - -	67, s. 134 (3), Sch. III.
5 Edw. 7. c. cxcviii.	Thames Conservancy - -	S. 4. rep. ; s. 7 rep. in part.	68, ss. 7 (2), 50, Sch. VI.
6 Edw. 7. :			
c. 4	Post Office (Money Orders) -	Rep. [*but see Terms*] -	48, s. 92, Sch. II.
c. 7	Police (Superannuation) -	S. 3 (1) amended -	5, s. 3.
c. 18	Isle of Man (Customs) -	S. 1 continued -	9, s. 1.
c. 22	Post Office (Literature for the Blind).	Rep. [*but see Terms*] -	48, s. 92, Sch. II.
c. 34	Prevention of Corruption -	S. 2 (4) repealed - -	15, s. 10 (1), Sch.
c. 37	Labourers (I.) - - -	S. 6 ext. with mods. -	61, s. 6 (1).
c. 56	Agricultural Holdings - -	Rep., except as to S. -	28, s. 49, Sch. IV.
		Repealed - -	64, s. 36, Sch. IV.
7 Edw. 7 :			
c. 3	Irish Tobacco - -	Repealed - -	16, s. 3 (4).
c. 13	Finance - - -	S. 17 amended - -	16, s. 6 (1).
c. 17	Probation of Offenders - -	Ss. 1 (3), 6 (4) rep. in part	67, s. 134 (3), Sch. III.
c. 23	Criminal Appeal - -	Am. ; ss. 1, 2 am. -	46, ss. 1, 2.
c. 24	Limited Partnerships - -	S. 6 (4) repealed - -	69, s. 286, Sch. VI. (Pt. I.).
c. 29	Patents and Designs - -	S. 92 (2) explained -	4, s. 1.
c. 50	Companies - - -	Repealed - - -	69, s. 286, Sch. VI. (Pt. I.).
c. 54	Small Holdings and Allotments -	S. 38 repealed - -	28, s. 49, Sch. IV.
		Rep. [*but see Terms*] -	36, s. 62, Sch. III.
c. 56	Evicted Tenants (I.) - -	S. 1 (3) amended - -	22, s. 1.
8 Edw. 7 :			
c. 12	Companies - - -	Repealed - -	69, s. 286, Sch. VI. (Pt. I.).
c. xxvii.	Edinburgh Corporation (Tramways, &c.) Order Confirmation.	Sch. (s. 15 (1) (3)) rep. -	67, s. 134 (3), Sch. III.

TABLE IV.

A LIST

OF

THE LOCAL AND PRIVATE ACTS,

(8 EDW. 7. 1908)

ARRANGED IN CLASSES.

CLASS I.—BRIDGES, FERRIES, ROADS, SUBWAYS AND TUNNELS.

(1) Bridges. | (3) Roads.
(2) Ferries. | (4) Subways and Tunnels.

" II.—RAILWAYS, TRAMROADS AND TRAMWAYS.

(1) Railways.
(2) Tramroads and Tramways.
(3) Light Railways.

" III.—CANALS, RIVERS AND NAVIGATIONS.

" IV.—HARBOURS, DOCKS, PORTS, PIERS AND QUAYS.

" V.—LOCAL GOVERNMENT (INCLUDING JUDICIAL MATTERS POOR LAW AND PUBLIC HEALTH).

" VI.—LIGHTING, POWER AND HEATING.

(1) Gas. | (2) Electricity.

" VII.—WATER SUPPLY.

" VIII.—DRAINAGES AND DRAINAGE EMBANKMENTS.

" IX.—INCLOSURES, OPEN SPACES, &c.

(1) Inclosures and Allotments.
(2) Open Spaces, Commons and Parks.

" X.—FISHERIES.

" XI.—CHARITABLE AND EDUCATIONAL, &c., FOUNDATIONS AND INSTITUTIONS.

CLASS XII.—ECCLESIASTICAL AFFAIRS (INCLUDING TITHES AND MARRIAGE CONFIRMATION).

„ XIII.—PERSONAL AND PRIVATE (INCLUDING ESTATES).

(1) Annuities and Grants of Money.
(2) Divorce.
(3) Estates.
(4) Names, Change of.
(5) Naturalization.
(6) Patents.
(7) Restoration of Dignities.
(8) Miscellaneous.

„ XIV.—TRADING AND OTHER COMPANIES.

(1) Banking and Investment.
(2) Cemetery.
(3) Insurance.
(4) Land and Building.
(5) Miscellaneous.

„ XV.—CROWN.

„ XVI.—PROVISIONAL ORDERS CONFIRMATION.

NOTE.—In this Table, words, printed in *italics*, following the Title, are added to explain the principal purposes of the Act; where none are added, and the Title itself conveys no explanation, the Act may be considered as one giving General Powers.

Class I.—Bridges, Ferries, Roads, Subways and Tunnels.

(1) *Bridges:*

Blackburn Corporation (*Widening of Bridges, &c.*). c. xcv.
Rochester Bridge (*Incorporation of Court of Wardens. Power to contribute to New College of Cobham. Repeal of Acts, &c.*). c. lvii.
Widnes Corporation (*Power to appoint proxy in respect of shares in Bridge company*). c. lxxxvi.

(2) *Ferries: Nil.*

(3) *Roads:*

Widnes Corporation (*Power to agree with County Council for transfer of main roads*). c. lxxxvi.

(4) *Subways and Tunnels: Nil.*

Class II.—Railways, Tramroads and Tramways.

(1) *Railways:*

Ards (*Incorporation of Company*). c. clxvi.
Argentine North Eastern Railway Company Limited (*Increase and regulation of capital. Issue of fully paid stock in lieu of arrears of dividend, &c.*). c. xviii.

Class II.—Railways, Tramroads and Tramways—*continued.*

(1) *Railways*—continued.

Barry (*New railways. Power to subscribe to undertaking of Neath Pontardawe and Brynaman Railway Company. Removal of sunken vessels, &c.*). c. lxiii.

Bristol Corporation (*Power to construct dock railways, &c.*). c. lv.

Cambrian (Debenture stock). c. xliii.

Cardiff (*New railways. Revival of powers and extension of time, &c.*). c. xxxviii.

Cheshire Lines (*Additional lands. Extension of time. Sale of superfluous lands*). c. xxiii.

Dublin and South Eastern (*Revival of powers and extension of time. Sale of superfluous lands. Friendly Society*). c. vi.

Fishguard and Rosslare Railways and Harbour (*Substituted harbour works at Fishguard. New railways. Repeal of Fishguard Harbour Order*, 1873, *&c.*). c. xvii.

Great Eastern (General Powers). c. xv.

Great Northern Piccadilly and Brompton (*Powers as to capital. Agreements with Metropolitan District Railway Company. Access to station buildings, &c.*). c. xcvii.

Great Western (*Deviation railways. Extension of time. Additional lands, &c.*). c. xxv.

Great Western (Superannuation Scheme). c. v.

Hull and Barnsley (*New railways. Extension of time. Pension, &c., funds. Qualification of directors, &c.*). c. xxvi.

Humber Commercial Railway and Dock. c. xlix

Interoceanic Railway of Mexico (Acapulco to Vera Cruz) Limited (*Increase and re-arrangement of capital. Issue of second preferred shares in lieu of arrears of dividend on first preferred shares, &c.*). c. x.

Knott End (*Extension of time. Transfer of undertaking of Garstang and Knot End Railway Company. Additional capital.*). c. xiii.

London Brighton and South Coast (*Extension of time. Power to make street works at Worthing, &c.*). c. lxxxiii.

Louth and East Coast (Transfer) (*to Great Northern Company*). c. li.

Madras Railway Annuities (*Creation and management. Dissolution of company, &c.*). c. iii.

Metropolitan District. c. lxiv.

North East London (*Amendment of Act of* 1905 *as to time for subscription of half capital*). c. xxxv.

North Eastern. c. xxxiv.

Rhymney. c. xii.

Sligo and Arigna (*Incorporation of Company*). c. cii.

Stratford-upon-Avon and Midland Junction (Amalgamation). c. lxxvii.

Taff Vale (*Further powers with respect to Penarth harbour and dock undertaking, &c.*). c. lxv.

[*For Acts confirming Provisional Orders under Private Legislation Procedure (Scotland) Act*, 1899, *see* Class XVI. (13).]

Class II.—Railways, Tramroads and Tramways—*continued.*

(2) *Tramways and Tramroads:*

Blackburn Corporation (*Additional tramways. Waiting rooms, &c.*). c. xcy.
Bristol Tramways (*Extension of time*). c. xlii.
Burnley Corporation (*Additional tramways. Speed. Waiting rooms, &c.*). c. lxxxix.
Leeds Corporation (*Additional tramways. Extension of time for, and transfer of, powers under Pudsey Corporation Tramways Order*, 1905, *&c.*). c. lxviii.
Leith Burgh (*Additional tramways, &c.*). c. lxxxii.
Liverpool Corporation (General Powers) (*Additional tramway, &c.*). c. lxxxiv.
London County Council (Tramways and Improvements). c. lxxviii.
London United Tramways (*Additional tramways. Extension of time, &c.*). c. c.
Macclesfield and District Tramways (Abandonment). c. lxxx.
Metropolitan Electric Tramways. c. xci.
Nottinghamshire and Derbyshire Tramways (*Extension of time. Transfer of certain powers to Nottingham Corporation. Reduction of capital, &c.*). c. ci.
Pontypridd Waterworks and Tramroad. c. lxix.
Rochdale Corporation (*Additional tramways. Waiting rooms, &c.*). c. xx.
Stockport Corporation (*Construction of tramroad*). c. xlviii.
Wolverhampton Corporation (*Extension of time, &c.*). c. lxxv.

[*For Acts confirming Provisional Orders under Private Legislation Procedure (Scotland) Act*, 1899, *and Tramways Act*, 1870, *see* Class XVI. (13), (16).]

(3) *Light Railways:*

Doncaster Corporation (*Power to construct light railway. Waiting rooms, &c.*). c. lviii.

[*See also* Class XVI. (13).]

Class III.—Canals, Rivers and Navigations.

Aire and Calder Navigation. c. lxxii.
River Wandle Protection. c. cx.
Thames River Steamboat Service Act, 1904 (Amendment). (*Power to charge tolls, &c., at piers*). c. xcviii.
Tyne Improvement (*Dredging, &c.*). c. lxxxv.
Widnes Corporation (*Power to discontinue flow of water along Bowers Brook, &c.*). c. lxxxvi.

[*For Act confirming Provisional Order under Private Legislation Procedure (Scotland) Act*, 1899, *see* Class XVI. (13).]

Class IV.—Harbours, Docks, Ports, Piers and Quays.

Bristol Corporation (*Power to construct dock railways, &c.*). c. lv.
Cardiff Railway (*Revival of power and extension of time for construction of pier*). c. xxxviii.
Dover Graving Dock (*Incorporation of Company*). c. cxi.
Fishguard and Rosslare Railways and Harbours (*Substituted harbour works at Fishguard. New railways. Repeal of Fishguard Harbour Order*, 1873, *&c.*). c. xvii.
Herne Bay Pier (*Sale*). c. iv.
Humber Commercial Railway and Dock. c. xlix.
Seaham Harbour Dock (*Additional Capital*). c. lii.
Taff Vale Railway (*Further powers with respect to Penarth harbour and dock undertaking, &c.*). c. lxv.

[*For Acts confirming Provisional Orders under General Pier and Harbour Act*, 1861, *and Private Legislation Procedure (Scotland) Act*, 1899, *see* Class XVI. (5), (13).] [*See also* Public Index "Port of London Act."]

Class V.—Local Government (including Judicial Matters, Poor Law and Public Health).

Ammanford Urban District Council (Water) (*Confirmation of existing works. Supply. Additional lands and borrowing power, &c.*). c. xc.
Audenshaw Urban District Council. c. xl.
Blackburn Corporation. c. xcv.
Blaydon and Ryton Water (Transfer) (*by District Councils*). c. xlvi.
Bristol Corporation (*Power to construct dock railways, &c.*). c. lv.
Briton Ferry Urban District Council (*Provisions as to water supply*). c. liv.
Burnley Corporation. c. lxxxix.
Bury and District Joint Water Board (*Extension of time*). c. xxxvi.
Camberwell and other Metropolitan Borough Councils (Superannuation). c. xix.
Conway and Colwyn Bay Joint Water Supply Board (*Confirmation of existing works. Compensation water, &c.*). c. xxxii.
Criccieth Water and Improvement (*Transfer of undertaking of Company. Additional waterworks, &c.*). c. ciii.
Doncaster Corporation (*Street works. Light railway. Finance, &c.*). c. lviii.
Dundalk Urban District Council (*Amendment of borrowing power. Power to erect generating station*). c. xvi.
Finchley Urban District Council. c. lxxvi.
Glasgow Corporation (*Amendment of building regulations*). c. vii.
Glyncorrwg Urban District Council (*Sewerage. Roads. Finance, &c.*). c. lxxiii.

Class V.—Local Government (including Judicial Matters, Poor Law and Public Health)—*continued.*

Huddersfield Water (*Discharge of compensation water*). c. viii.
Keighley Corporation. c. xcvi.
Leeds Corporation (*Sewerage. Tramways. Finance, &c.*). c. lxviii.
Leicester Corporation. c. lvi.
Leith Burgh (*Tramways. Street works. Finance, &c.*). c. lxxxii.
Lincoln Corporation (Water), &c.). c. xxxiii.
Liverpool Corporation (General Powers). c. lxxxiv.
Liverpool Corporation (Streets and Buildings). c. clxv.
London County Council (General Powers). c. cvii.
London County Council (Money). c. lxxix.
London County Council (Tramways and Improvements). c. lxxviii.
London Brighton and South Coast Railway (*Power to Worthing Corporation to execute street works, &c.*). c. lxxxiii.
Manchester Corporation. c. lxxxviii.
Margate Corporation. c. lxxxvii.
Merthyr Tydfil Corporation. c. lxi.
Motherwell Burgh Extension and Sewage Purification. c. lix.
Nottinghamshire and Derbyshire Tramways (*Transfer of certain powers to Nottingham Corporation and power to Corporation to construct new tramways and tramroad, &c.*). c. ci.
Padiham Urban District Council. c. civ.
Ravensthorpe Urban District Council. c. cviii.
River Wandle Protection (*Limiting powers of Croydon Corporation to abstract water*). c. cx.
Rochdale Corporation. c. xx.
St. Marylebone Borough Council (Superannuation). c. xxi.
Skegness Urban District Council. c. xxii.
South Wales Electrical Power Distribution Company (*Powers to Neath Rural and Bridgend Urban District Councils, &c.*). c. lxxi.
Stockport Corporation. c. xlviii.
Thames River Steamboat Service Act, 1904 (Amendment) (*Power to London County Council to charge tolls, &c., at piers*). c. xcviii.
Upton Town Hall (*Sale*). c. xlv.
Wath and Bolton Gas Board (*Incorporation. Transfer of undertaking of Company, &c.*). c. xciii.
Widnes Corporation. c. lxxxvi.
Wishaw Burgh Electricity, &c. c. lxxiv.
Wolverhampton Corporation. c. lxxv.

[*For Acts confirming Provisional Orders under Acts relating to subjects embraced in this Class, see* Class XVI.]

Class VI.—Lighting, Power and Heating.

(1) *Gas:*
Blackburn Corporation (*Extension of limits, &c.*). c. xcv.
Bognor Gaslight and Coke Company (*Dissolution and re-incorporation*). c. lxx.
Bromley and Crays (*Amalgamation. Provisions as to power-gas, &c.*). c. xlvii.
Burnley Corporation. c. lxxxix., Part VII.

Class VI.—Lighting, Power and Heating—*continued.*

(1) *Gas*—continued.

Dartford (*Conversion, &c. of capital. Additional works, lands and capital. Quality, &c.*). c. xiv.
Derby (*Transfer of undertakings of Belper Co., and of G. H. Strutt at Milford. Extension of limits. Coal conveyor*) c. ix.
Draycott. c. xxxvii.
Garw and Ogmore. c. lxii.
Gosport (*Definition of limits. Additional works, lands and capital. Quality, &c.*). c. cvi.
Keighley Corporation. c. xcvi., Part VI.
Leicester Corporation (*Extension of limits, &c.*). c. lvi.
Llanelly (*Additional capital. Quality, &c. Partial repeal of Act of* 1874, *&c.*). c. xxiv.
Manchester Corporation. *Cesser of powers of supply of Stretford Gas Company in Chorlton-cum-Hardy.* c. lxxxviii., s. 44.
Padiham Urban District Council. c. civ., Part II.
Rhymney and Aber Valleys Gas and Water (*Additional gas works lands and capital*). c. xcii.
Southwell District (*Dissolution and re-incorporation*). c. l.
Swinton and Mexbrough (*Dissolution and re-incorporation*). *Purchase by district councils.* c. lx.
Tawe Valley (*Incorporation of Company*). *Transfer of Ystalyfera Gas Order*, 1905, *&c.*). c. xli.
Wath and Bolton (*Incorporation of joint board. Transfer of undertaking of Company, &c.*). c. xciii.
Widnes Corporation. c. lxxxvi., Part II.
Wishaw Burgh Electricity, &c. (*Supply of gas outside burgh*). c. lxxiv., s. 6.

[*For Acts confirming Provisional Orders relating to Gas Undertakings, see* Class XVI. (4), (13).]

(2) *Electricity:*

Blackburn Corporation. c. xcv., Part VI.
Burnley Corporation. c. lxxxix., Part VI.
Central Ireland Electric Power (*Incorporation of Company*). c. cv.
Dundalk Urban District Council (*Power to erect generating station*). c. xvi.
Finchley Urban District Council. c. lxxvi., Part II.
Keighley Corporation. c. xcvi., Part VI.
Leicester Corporation. c. lvi., Part IV.
London Electric Supply. c. clxvii.
London (Westminster and Kensington) Electric Supply Companies. c. clxviii.
Motherwell Burgh Extension and Sewage Purification. c. lix., Part IV.
Ravensthorpe Urban District Council. c. cviii., Part II.
Rochdale Corporation. c. xx., Part VI.
South Wales Electrical Power Distribution Company. c. lxxi.
Wishaw Burgh Electricity, &c. (*Fittings. Supply to premises having separate supply, &c.*). c. lxxiv.

[*For Acts confirming Provisional Orders relating to Electric Lighting Undertakings, see* Class XVI. (3), (13).]

Class VII.—Water Supply.

Ammanford Urban District Council (*Confirmation of existing works. Supply. Additional lands and borrowing power, &c.*). c. xc.

Audenshaw Urban District Council (*to become a combining authority of Ashton-under-Lyne, &c. (District) Waterworks, &c.*). c. xl.

Blackburn Corporation (*Additional lands, &c.*). c. xcv.

Blaydon and Ryton (Transfer) (*to Weardale and Consett and Newcastle and Gateshead Water Companies, &c.*). c. xlvi.

Briton Ferry Urban District Council (*Extension of limits. Power to maintain certain works, and legalising expense. Charges, &c.*). c. liv.

Burnley Corporation. c. lxxxix., Part II.

Bury and District Joint Board (*Extension of time*). c. xxxvi.

Camborne (*Additional capital, &c.*). c. liii.

Conway and Colwyn Bay Joint Supply Board (*Confirmation of existing works. Compensation water, &c.*). c. xxxii.

Criccieth Water and Improvement (*Transfer of undertaking of Company. Additional works, &c.*). c. ciii.

Glyncorrwg Urban District Council (*Rates for domestic supply*). c. lxxiii.

Holderness (Incorporation of Company). c. xcix.

Huddersfield (*Discharge of compensation water*). c. viii.

Keighley Corporation (*Extension of time. Rates for domestic supply. Additional lands, &c.*). c. xcvi.

Leicester Corporation (*Extension of limits. Increase of charges, &c.*). c. lvi.

Lincoln Corporation (*Extension of limits. Additional works, &c.*). c. xxxiii.

Liverpool Corporation (General Powers) (*Constant supply and pressure. Charges, &c.*). c. lxxxiv.

Manchester Corporation (*Additional works, &c.*). c. lxxxviii.

Margate Corporation (*Sea-water supply*). c. lxxxvii., s. 36.

Padiham Urban District Council. c. civ., Part III.

Pontypridd Waterworks and Tramroad. c. lxix.

Ravensthorpe Urban District Council (*Extension of limits, &c.*). c. cviii.

Rhymney and Aber Valleys Gas and Water. c. xcii.

River Wandle Protection (*Limiting power of Croydon Corporation to abstract water*). c. cx.

Rochdale Corporation (*Additional works. Extension of time, &c.*). c. xx.

Skegness Urban District Council (*Transfer of undertaking of Company, &c.*). c. xxii.

South-West Suburban (*Abstraction of water from River Thames. Additional capital. Charges, &c.*). c. xciv.

Stockport Corporation (*Construction of tramroad. Revival of power and extension of time for purchase of lands, &c.*). c. xlviii.

Widnes Corporation. c. lxxxvi., Part II.

Wolverhampton Corporation. c. lxxv., Part III.

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8 EDWARD 7.—A.D. 1908.

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E.	*that the Act relates to*	England (and Wales, if it so extend).
S.	,,	,,	Scotland exclusively.
I.	,,	,,	Ireland exclusively.
U.K.	,,	,,	Great Britain and Ireland (and Colonies, if it so extend).
Ind.	,,	,,	India specially.
C.	,,	,,	The Colonies specially, or any of them.

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